

Chesapeake Bay Preservation Area Board Agenda

June 1, 2020

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CHESAPEAKE BAY PRESERVATION AREA BOARD

NOTICE OF PUBLIC HEARING

In accordance with Virginia Code Virginia § 2.2-3708.2(A)(3), Virginia Code § 15.2-1413 and the City's Continuity of Government Ordinance adopted on March 31, 2020, and Chapter 854 of the 2019 Acts of Assembly as amended, the chair of the Virginia Beach Chesapeake Bay Preservation Area (CBPA) Board has called a special meeting for a public hearing to be held on **Monday, June 1, 2020**, at **10:00 am** BY ELECTRONIC COMMUNICATION MEANS which will be held virtually with CBPA Board Members, Staff and citizens participating via video/audio conference. This meeting will be broadcast on cable tv.

The Staff reviews all the items on this agenda and offers recommendations for consideration by the Board, in the event the Board should approve an application. However, it should not be assumed that those conditions constitute all the conditions that will ultimately be attached to the project. City agencies may impose further conditions and requirements applicable to city ordinances.

For those citizens who desire to attend this meeting virtually, registration is required. Please visit www.vbgov.com/cbpa or enter the following URL into your web browser to register: <https://vbgov.webex.com/vbgov/onstage/g.php?MTID=e035c5fa4d02d5eeee9892d1bd7826cc8>.

Citizens are encouraged to submit comments to the CBPA Board prior to the public hearing via email to pscully@vbgov.com or via United States Mail to PJ Scully, 2875 Sabre Street, Suite 500, Virginia Beach, VA 23452. **If you desire to speak at the virtual public hearing you must notify Staff prior to 8:00 am, June 1, 2020 at (757) 385-4621.**

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 HAVE ANY QUESTIONS, PLEASE CONTACT A STAFF MEMBER VIA EMAIL (pscully@vbgov.com) OR CALL THE DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT AT 757-385-4621).

- 1. DEFERRALS:** The first order of business is the consideration of requests to defer an item. The Board will ask those in attendance at the hearing if there are any requests to defer an item that is on the agenda. PLEASE NOTE THE REQUESTS THAT ARE MADE, AS ONE OF THE ITEMS BEING DEFERRED MAY BE THE ITEM THAT YOU HAVE AN INTEREST IN.

If an item is deferred, a deferral date will be determined at the public hearing. Typically, deferrals range from thirty (30) to sixty (60) days or may be deferred indefinitely. The Board will vote on all the items deferred individually. It is important, therefore, if you have an objection to an item being deferred to note your objection as the Board goes through the items being considered for deferral.

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

If an item is placed on the Consent Agenda, that item will be heard with other items on the agenda that appear to be unopposed and have a favorable staff recommendation. The Board will vote on all 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 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 (CBPA) BOARD AGENDA

Public Hearing Date **June 1, 2020**

10:00 AM FORMAL REVIEW OF PUBLIC HEARING AGENDA ITEMS BY ELECTRONIC COMMUNICATION MEANS which will be held virtually with CBPA Board Members, Staff and citizens participating via video/audio conference.

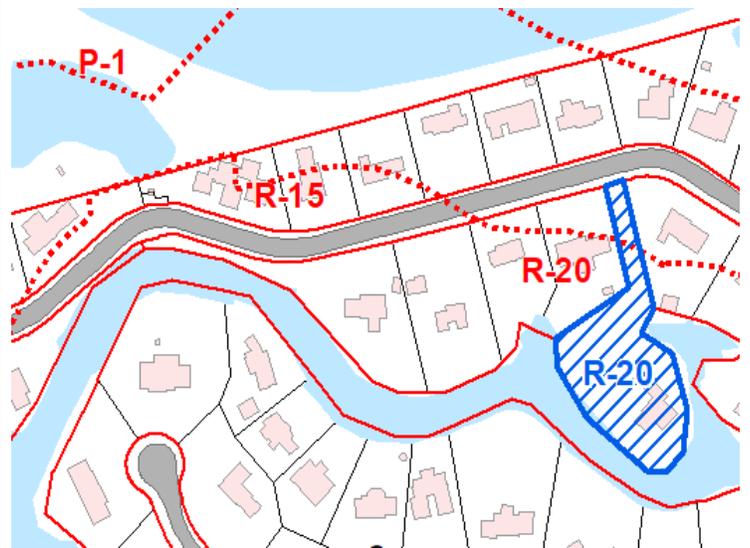
OLD BUSINESS AGENDA ITEMS

1. Jeramy & Natalie Biggie
[Property Owner & Applicant]

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

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

Staff Planner – PJ Scully
Staff Report – page 7

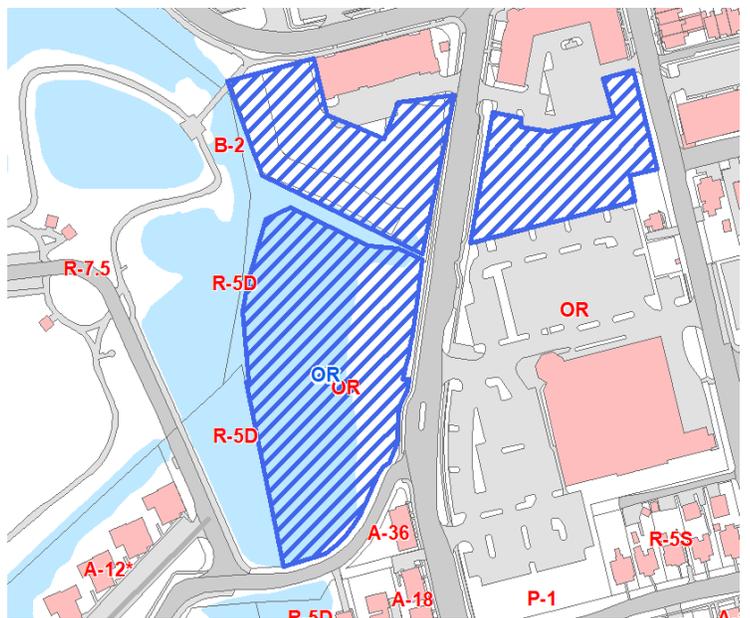


2. The Old Beach Village Co., LLC
[Property Owner & Applicant]

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

Variance Request – Modification of the September 27, 2004 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 9



NEW BUSINESS AGENDA ITEMS

3. Kevin K & Karen G Barney LT

[Property Owner & Applicant]

625 Timberland Trail

GPIN 1498-10-9819

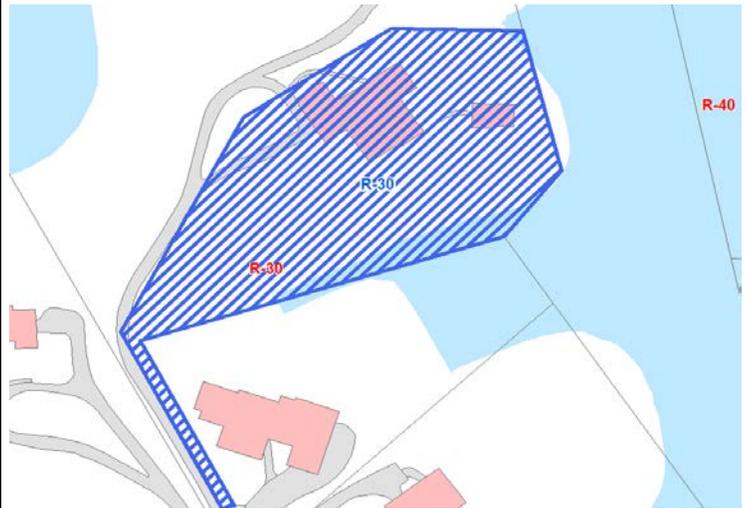
Council District – Lynnhaven

Accela Record 2020-CBPA-00008

Variance Request – Encroachment into the Resource Protection Area (RPA) buffer to construct a wood deck.

Staff Planner – PJ Scully

Staff Report – page 37



4. John O & Rachel H Ashby

[Property Owner & Applicant]

1440 W Little Neck Road

GPIN 1489-30-5230

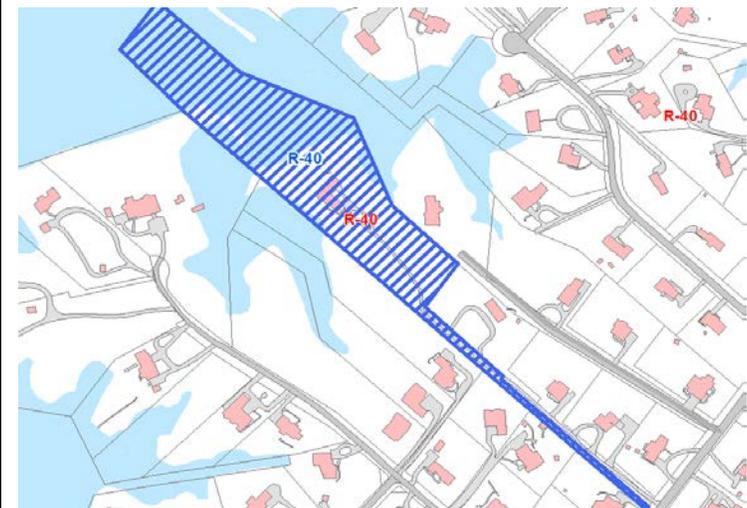
Council District – Lynnhaven

Accela Record 2020-CBPA-00012

Variance Request – Encroachment into the Resource Protection Area (RPA) buffer to construct an in-ground swimming pool and modification to the existing paver patio.

Staff Planner – PJ Scully

Staff Report – page 49



5. Chisholm RT

[Property Owner & Applicant]

1325 Chewink Court

GPIN 2418-21-4959

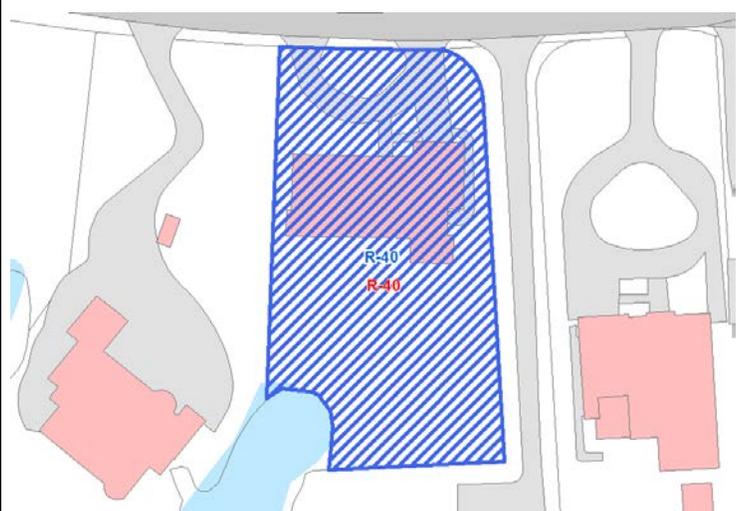
Council District – Lynnhaven

Accela Record 2020-CBPA-00011

Variance Request – Modification of the November 26, 2012 Chesapeake Bay Preservation Area (CBPA) Board variance to remove condition 8.

Staff Planner – PJ Scully

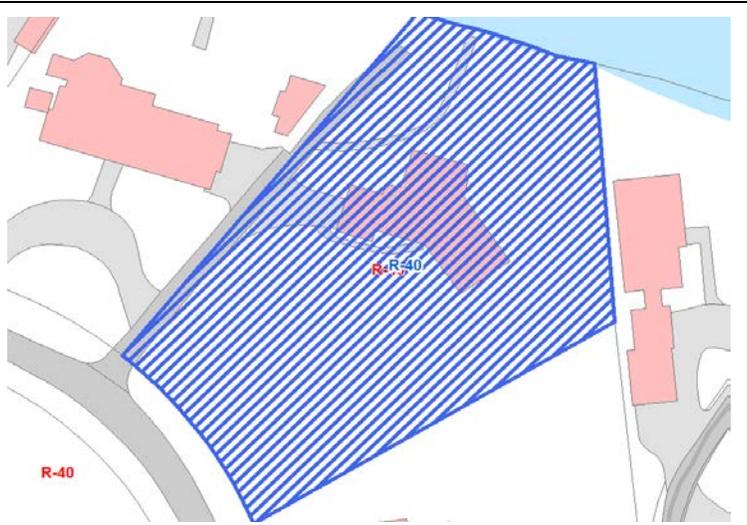
Staff Report – page 65



6. Reno Family DT
 [Property Owner & Applicant]
1460 N Woodhouse Road
 GPIN 2409-81-6412
 Council District – Lynnhaven
 Accela Record 2020-CBPA-00010

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

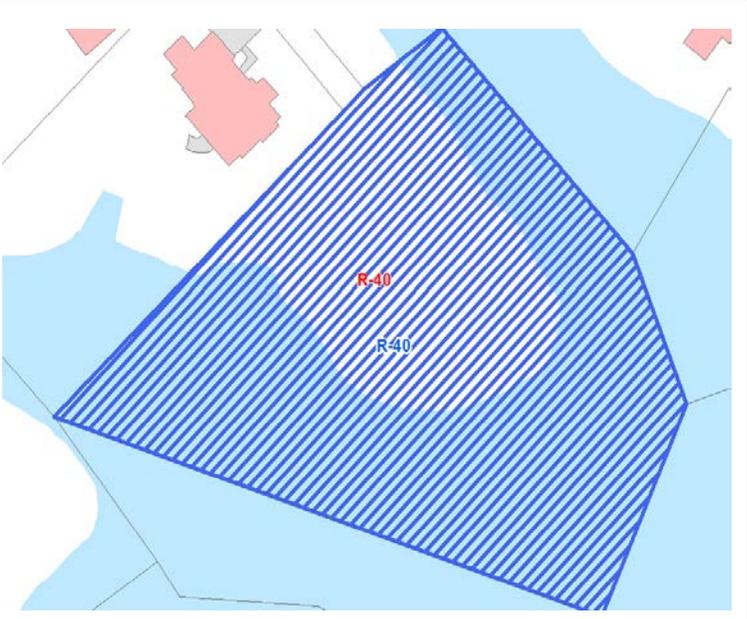
Staff Planner – PJ Scully
Staff Report – page 81



7. Richard B Abrahamian Estate
 [Property Owner]
Thomas H Justice III & Virginia P Justice and Linda D. Sartin
 [Applicant]
Atmore Lane
 GPIN 1479-90-5771
 Council District – Bayside
 Accela Record 2020-CBPA-00009

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

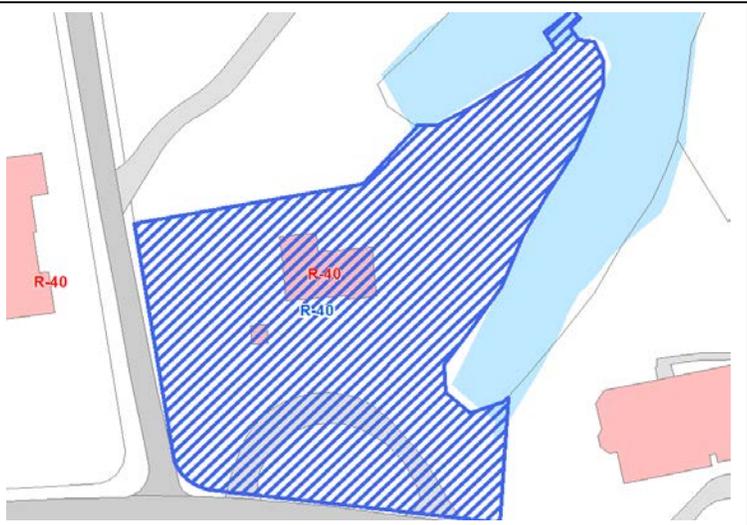
Staff Planner – PJ Scully
Staff Report – page 95



8. Ralph E & Brenda J Knapp
 [Property Owner & Applicant]
1000 Curlew Drive
 GPIN 2418-34-3085
 Council District – Lynnhaven
 Accela Record 2020-CBPA-00013

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

Staff Planner – PJ Scully
Staff Report – page 119



2020 CBPA BOARD PUBLIC HEARING DATES

Due to the current situation surrounding the Coronavirus (COVID-19), Staff is continuing to provide services to the public in the safest way possible. Below is a list of CBPA Board Public Hearing dates and the tentative means of delivering the public hearing to the CBPA Board and interested citizens.

	DATE	FORMAL HEARING TIME	MEANS OF DELIVERY
Monday	June 22, 2020	10:00 am	Council Chambers, limited seating restrictions
Monday	July 6, 2020	10:00 am	
Monday	August 3, 2020	10:00 am	
Thursday	September 10, 2020	10:00 am	
Monday	October 5, 2020	10:00 am	
Monday	November 2, 2020	10:00 am	
Monday	December 7, 2020	10:00 am	



Applicant & Property Owner **Jeremy & Natalie Biggie**
Address **409 Susan Constant Drive**
Public Hearing **June 1, 2020**
City Council District **Lynnhaven**

Agenda Item

1

The applicant is requesting an indefinite deferral of this application to allow additional time to address Staff's concerns. Staff supports the request to defer.

Variance Request

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

Applicant's Agent

Robert Simon

Staff Planner

PJ Scully

Lot Recordation

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

GPIN

2419-61-4826

SITE AREA

41,896 square feet or 0.9 acre

SITE AREA OUTSIDE OF WATER/WETLANDS

41,896 square feet or 0.9 acre

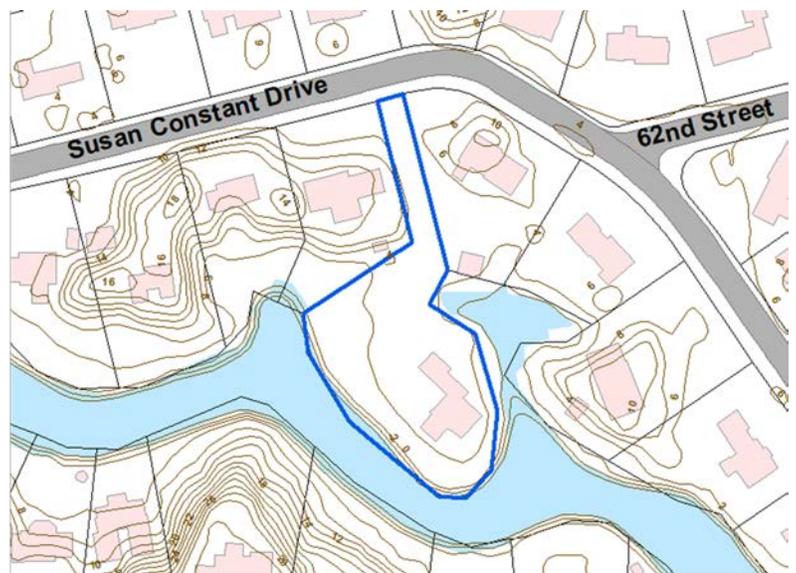
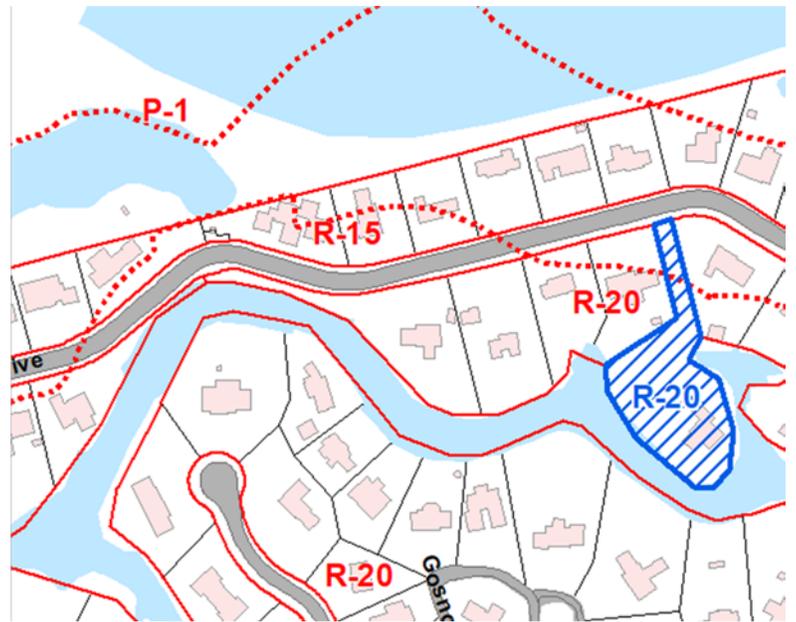
EXISTING IMPERVIOUS COVER OF SITE

9,678 square feet or 23.1 percent of site

Variance Request History

This variance request was deferred at the following CBPA Public Hearings

- October 28, 2019 Public Hearing
- November 25, 2019 Public Hearing
- January 27, 2020 Public Hearing



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Applicant & Property Owner **The Old Beach Village Co., LLC**
 Address **2800 & 2901 Baltic Avenue**
 Public Hearing **June 1, 2020**
 City Council District **Beach**

Agenda Item

2

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

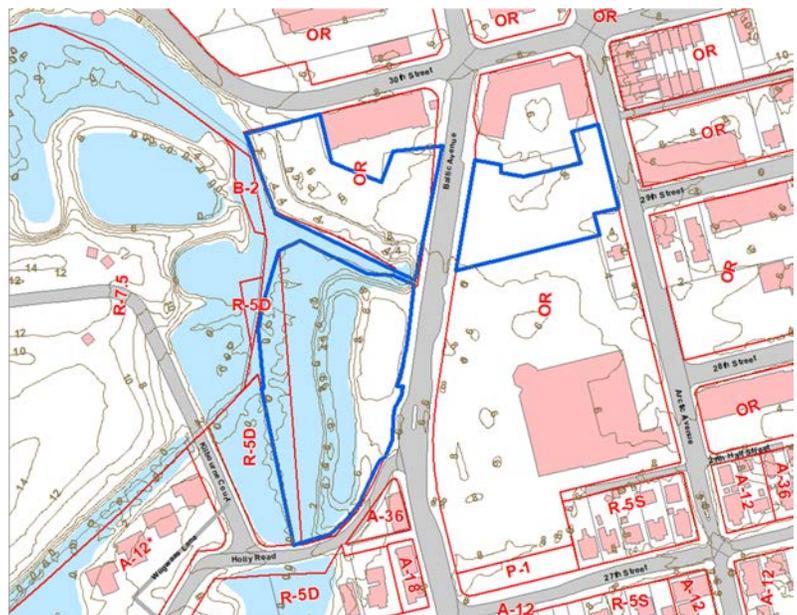
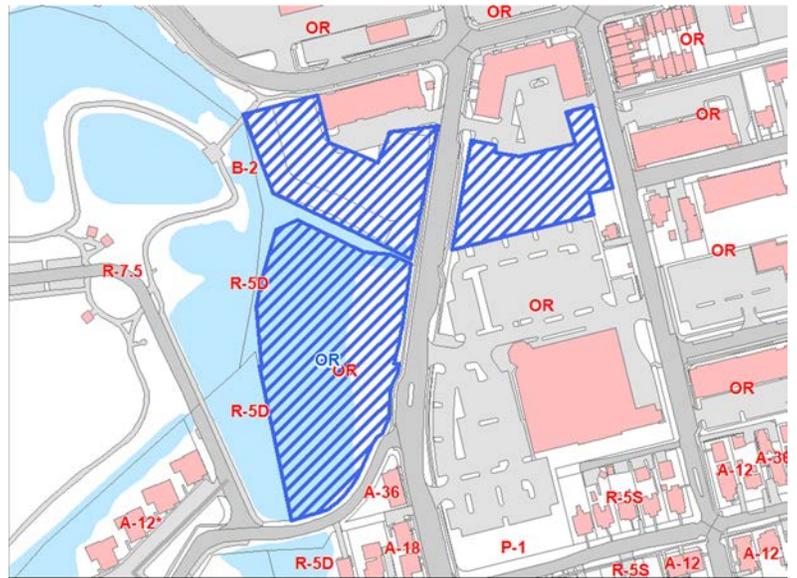
- 50-foot Seaward Buffer
- 50-foot Landward Buffer
- 100-foot Variable Width Buffer
- Resource Management Area (RMA)

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

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

- February 24, 2020 CBPA Board Public Hearing

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

"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."

Since the deferral of this application at the February 2020 CBPA Board public hearing, the applicant's agent has tried to meet with the residents of the Old Beach Village Condo Association and their representative. At the time of this writing, Staff received the following correspondence from the Applicants agent.

"Thank you for keeping us all informed about the re-scheduled Bay Board meetings. We all appreciate the advance notice that you provided on May 8th, as it allows us time to act on the Boards directives in time for the Board's meeting on June 1st.

Upon receiving notice of the new meeting date, I forwarded the latest multi-page electronic copy of the site plans for my clients' project to Ray King for distribution to his client on May 12th. We have arranged an in-person meeting on Tuesday May 19th with Ray and representatives from his client to review the plans and respond to questions. Believing that Ray's client may want to distribute what they learn to others within their condominium and that they might have additional questions, we agreed to a second meeting to be held either in person or electronically during the week of May 25th.

Given that my client has consistently reached out to Ray on behalf of his client and we have prepared a plan to meet with his client and address their questions and concerns I cannot agree to defer our application any further. Mr. King has been very helpful with making the arrangements for us all to discuss the application in detail and respond to questions from his client. All applicants will be adjusting to the electronic meeting on June 1st in that same manner as other applicants and the Board itself.

We look forward to our meetings with Ray and his client."

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.

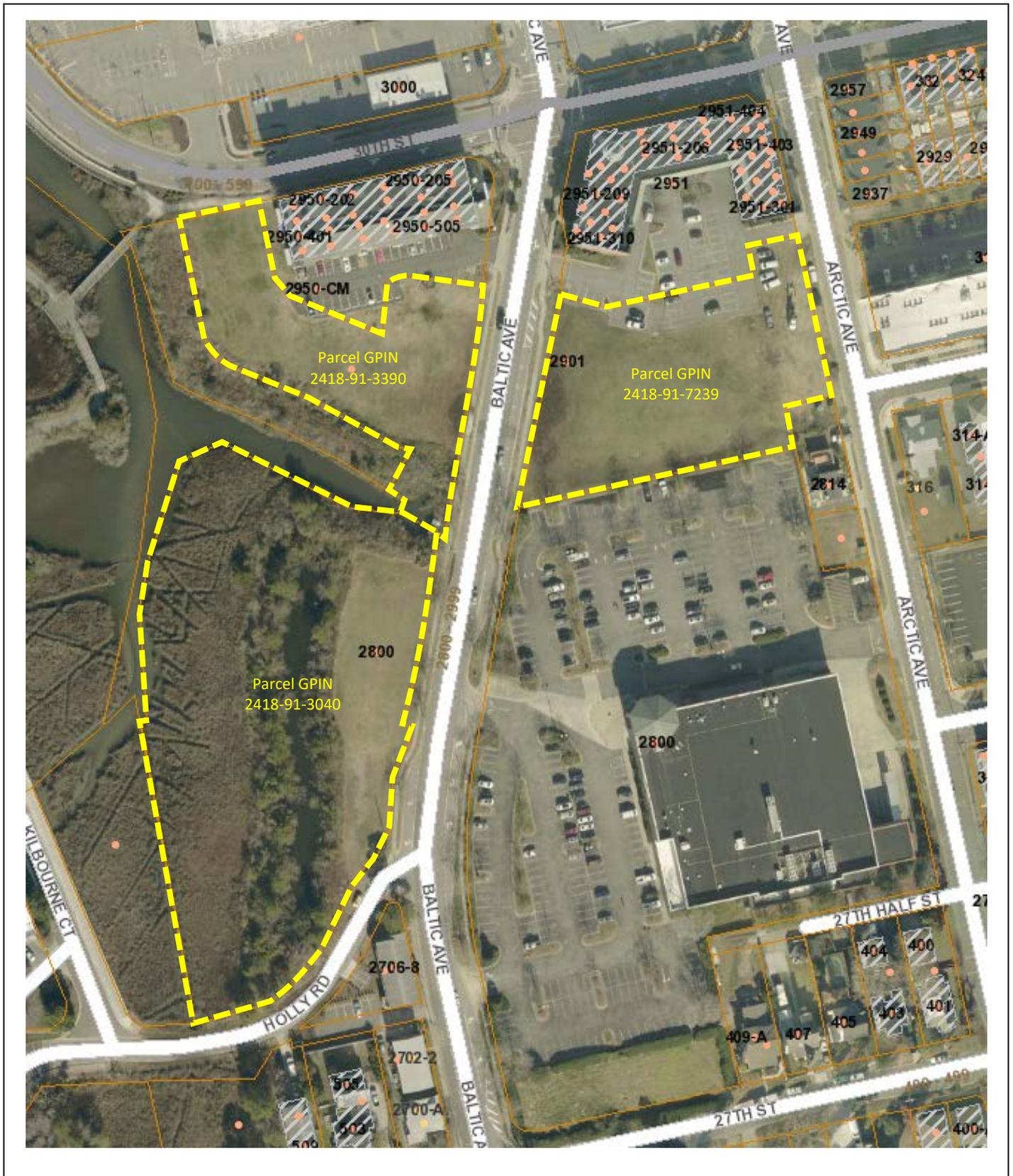
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (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.

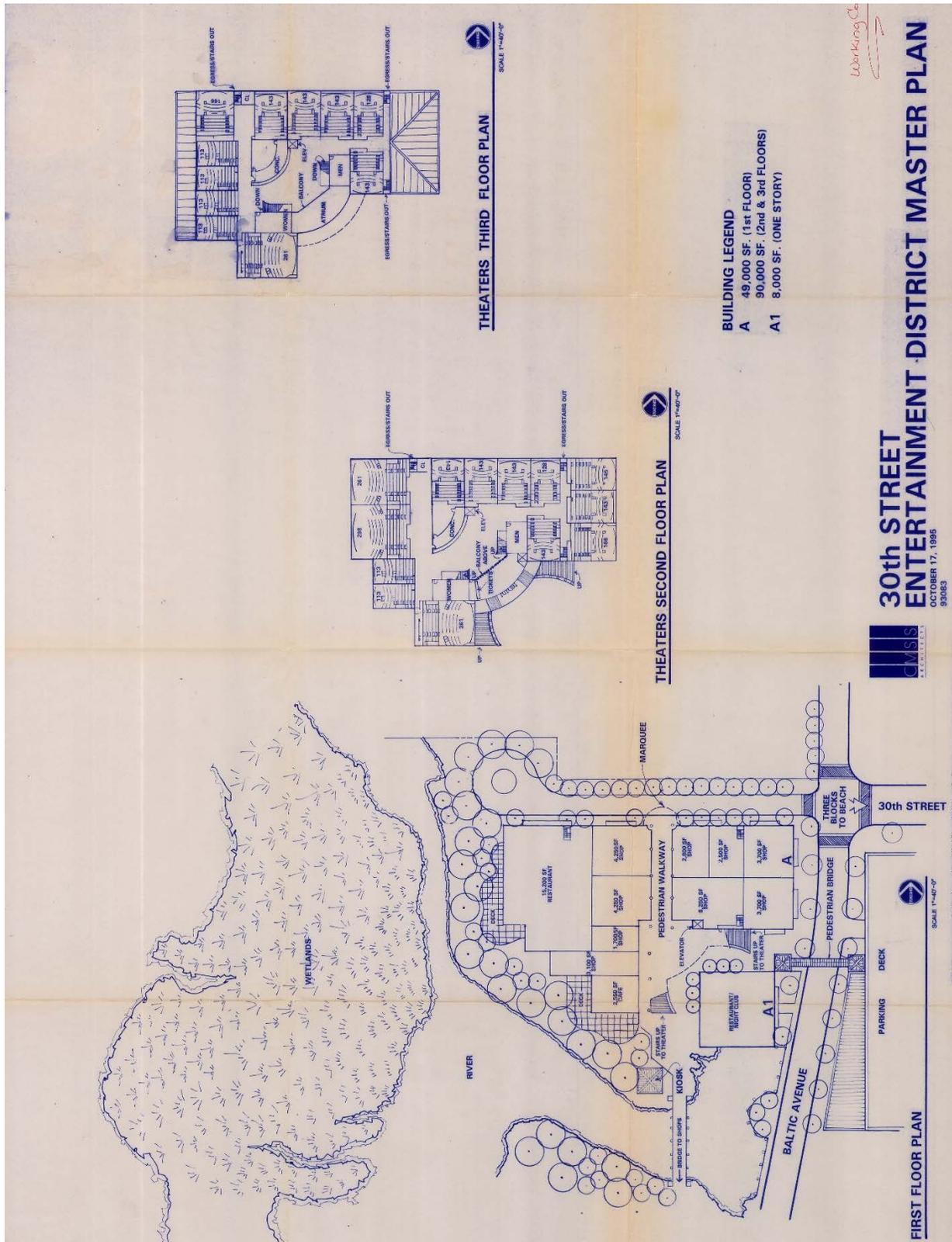
- 13) ** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$7,645.68 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall 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.

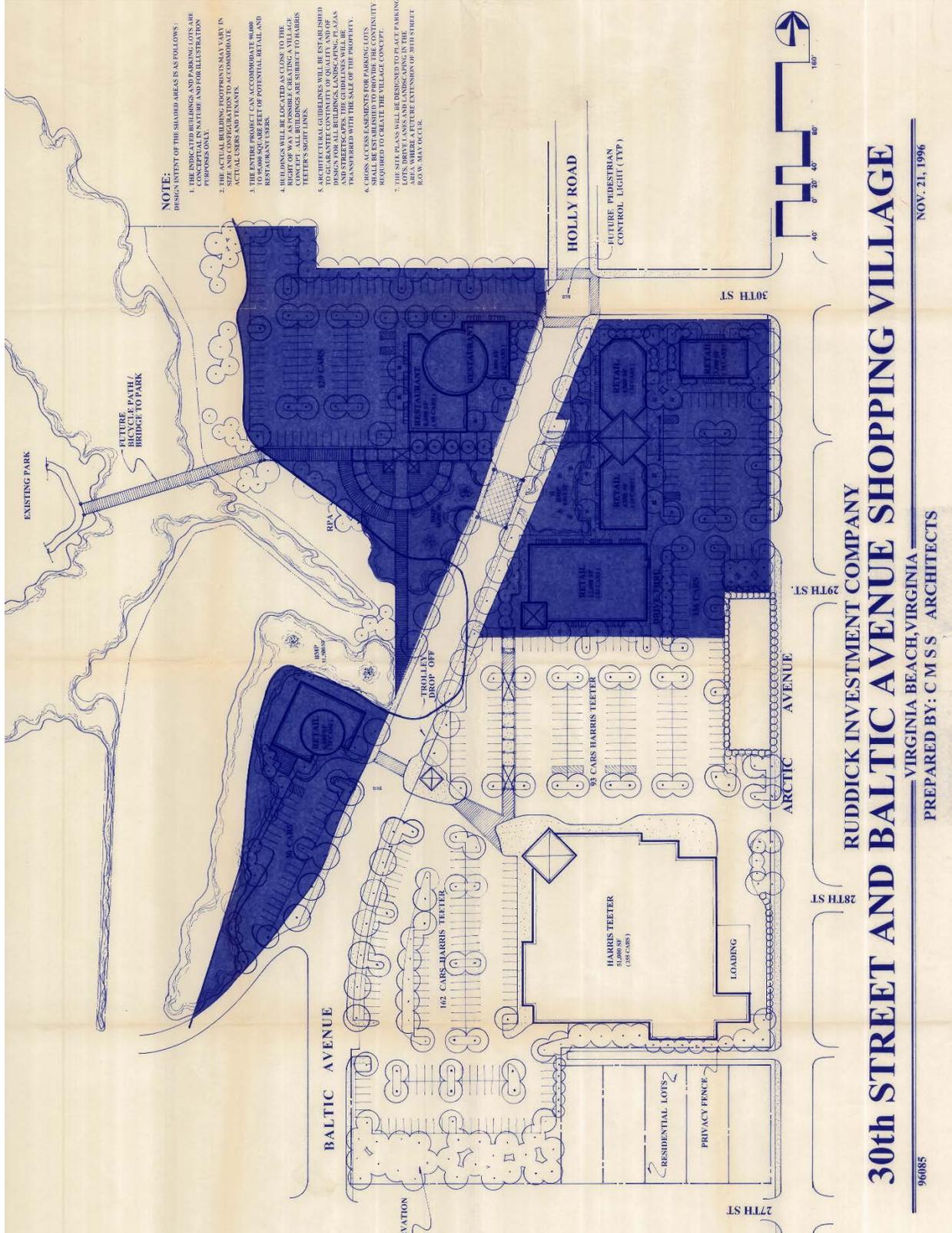
***NOTE: The applicant is responsible for removal of the Chesapeake Bay Preservation Area Variance Signs posted on the property. Said signs shall be removed within 5 days after the Board renders a final decision on the variance request. Failure to remove the signs within 5 days is a violation of Section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

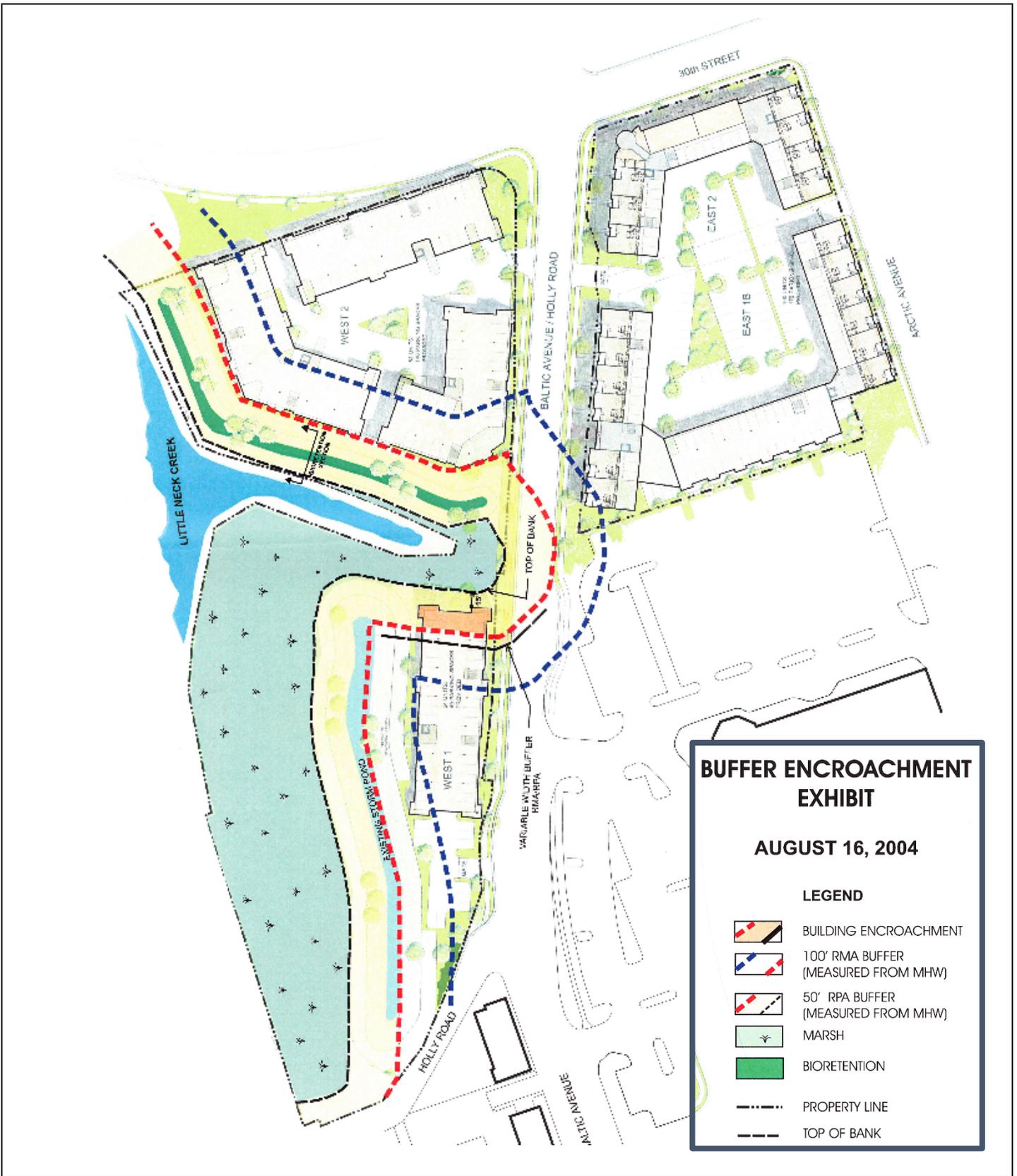
Site Aerial



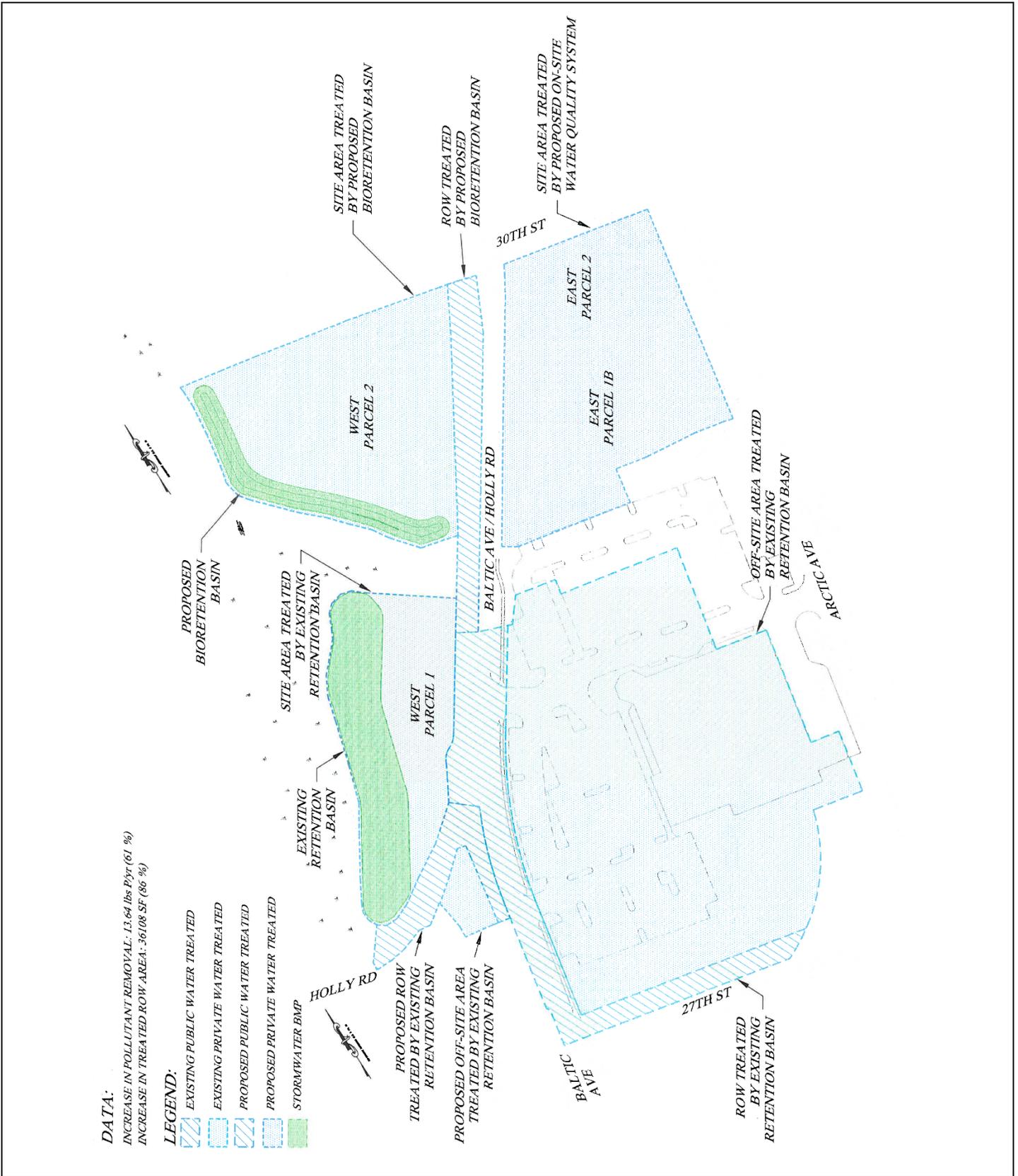




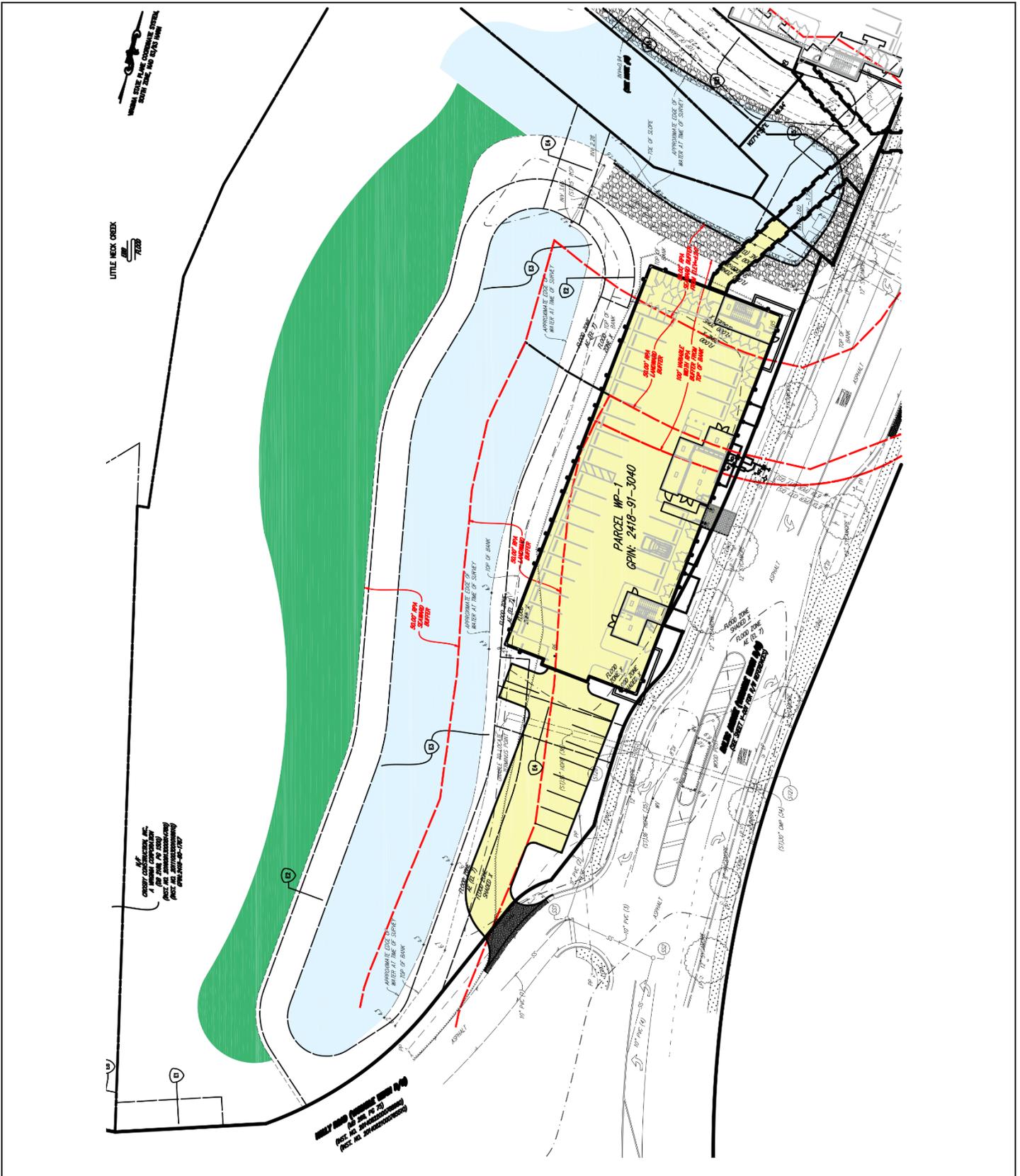




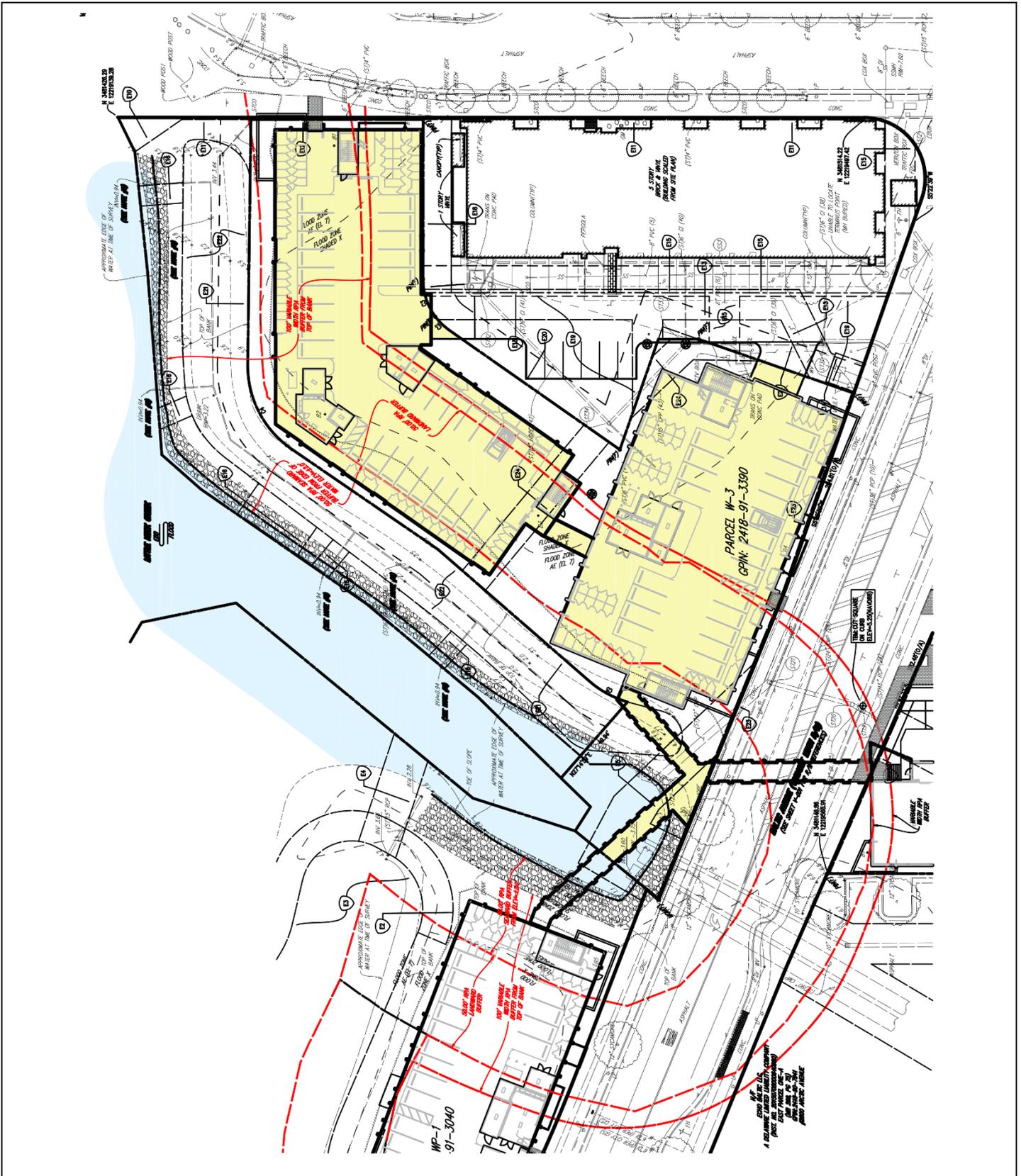
September 27, 2004 CBPA Board Variance Exhibit – Drainage Plan



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



CBPA Exhibit – Proposed Improvements, Parcel GPIN 2418-91-3390





APPLICANT'S NAME The Old Beach Village Company, LLC

DISCLOSURE STATEMENT FORM

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

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

SECTION 1 / APPLICANT DISCLOSURE

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

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

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



Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a wood deck.

Applicant’s Agent

Self-represented

Staff Planner

PJ Scully

Lot Recordation

11/04/1981
Map Book 152, Page 5

GPIN

1498-10-9819

SMALL PROJECT IN THE RPA

PROPOSED IMPERVIOUS COVER

Area of Redevelopment in RPA

0 square feet

Area of New Development in RPA

260 square feet

Location of Proposed Impervious Cover

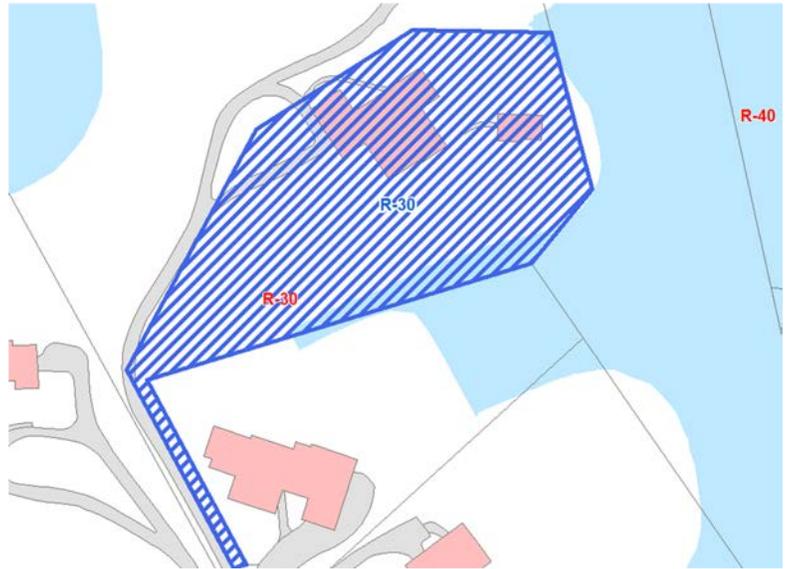
50-foot Landward Buffer
100-foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as submitted



Summary of Proposal

Demolition Details

- None

Construction Details

- Second floor wood deck, 10 feet by 26 feet, off the existing residence.

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Soil Type(s)

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

Udorthents Series (moderately well-drained soils altered by excavation) located below the top of bank

Shoreline

Shoreline is hardened by a bulkhead.

Riparian Buffer

Sparsely wooded parcel.

- 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 land disturbance associated with proposed improvements will be less than 2,500 square feet.

Evaluation and Recommendation

The applicant's request to construct second floor wood deck off the existing residence occurs within the upper reach of the 50-foot landward buffer of the RPA. The wood deck will be elevated approximately 8 feet above the existing grade by wooden piers, 3 in total. Each wooden pier will have a nominal dimension of approximately 6 inches by 6 inches. No mature canopy vegetation will be removed with the construction of the proposed improvement.

The following comments relative to the findings of the CBPA Ordinance specific to this variance request are offered for the Board's deliberation.

- 1) The applicant's agent offers that 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 minimal and similar to adjacent properties."* Staff concurs that the variance request is similar to other minor projects in the RPA, such as sheds and wood decks that have minimal impacts to the RPA buffer with limited disturbance to natural drainage patterns and existing vegetation.
- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because *"the 2nd story deck will have minimal land disturbance and only half of the proposed improvements are within the 100-foot RPA."* Staff concurs given the limited amount of encroachment and the minimal footprint of the accessory structure within the RPA feature.
- 4) The variance is in harmony with the purpose and intent of this ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare with *"the proposed improvements located in the upper reach of the RPA buffer."* Staff concurs and is of the opinion that the proposed improvements provide a minimal increase in overall impervious cover for the lot in the 100-foot RPA buffer with an even less amount of land disturbance required for the construction of the proposed improvements.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, *"there will be no impact to the existing riparian buffer."* Staff concurs and offers the conditioned buffer restoration below as a means to manage nonpoint source pollution load through addition infiltration of stormwater run-off within the lot.

Staff is of the opinion that the land disturbance associated with this request is minimal and supports this request as submitted. The following 4 reasonable and appropriate conditions are offered towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

1. Land disturbance shall be limited to the area necessary to provide for the proposed use or development.
2. 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.
3. Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **260 square feet x 200 percent = 520 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: **2 canopy tree, 4 understory trees and 6 shrubs.**

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

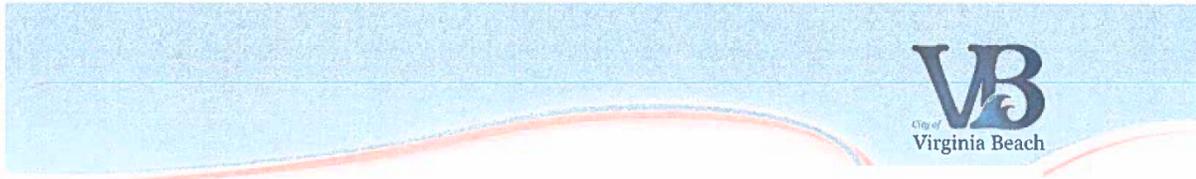
4. The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division for review and approval prior to the issuance of a building permit. The Zoning Division and/or Permits and Inspections may require additional information that may affect the release of a building permit

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

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

Site Aerial





APPLICANT'S NAME _____

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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: KEVIN K. AND KAREN G. BARNEY
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)*

KEVIN K. BARNEY LIVING TRUST
KAREN G. BARNEY LIVING TRUST.

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

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

(A) List the Property Owner's name: KEVIN K. BARNEY LIVING TRUST
If an LLC, list the member's names: KAREN G. BARNEY LIVING TRUST



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)*

KEVIN K. BARNEY Living Trust
KAREN G. BARNEY Living Trust

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APPLICANT

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

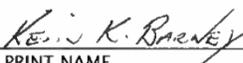
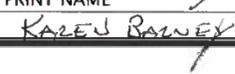
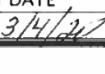
If yes, what is the name of the official or employee and what is the nature of the interest?



CERTIFICATION:

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

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

		
APPLICANT'S SIGNATURE	PRINT NAME	DATE
		

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

AS NEEDED, PAGE LEFT BLANK

Variance Request

Encroachment into the Resource Protection Area (RPA) buffer to construct a building addition, in-ground swimming pool and modification to the existing paver patio.

Applicant's Agent

Self-represented

Staff Planner

PJ Scully

Lot Recordation

Map Book 73, Page 21

Recorded 6/30/1968

GPIN

1489-30-5230

SITE AREA

322,681 square feet or 7.408 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

159,613 square feet or 3.664 acres

EXISTING IMPERVIOUS COVER OF SITE

15,389 square feet or 9.6 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

17,144 square feet or 10.74 percent of site

Area of Redevelopment in RPA

27 square feet

Area of New Development in RPA

1,279 square feet

Location of Proposed Impervious Cover

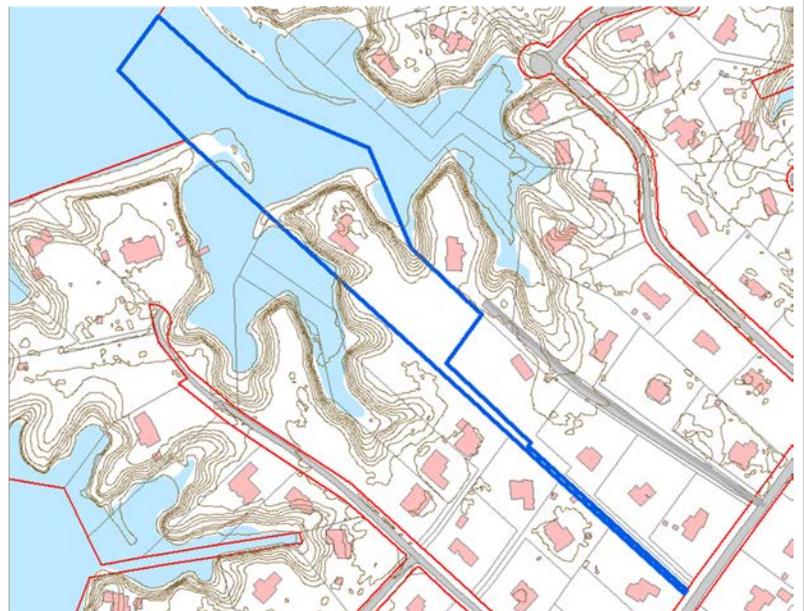
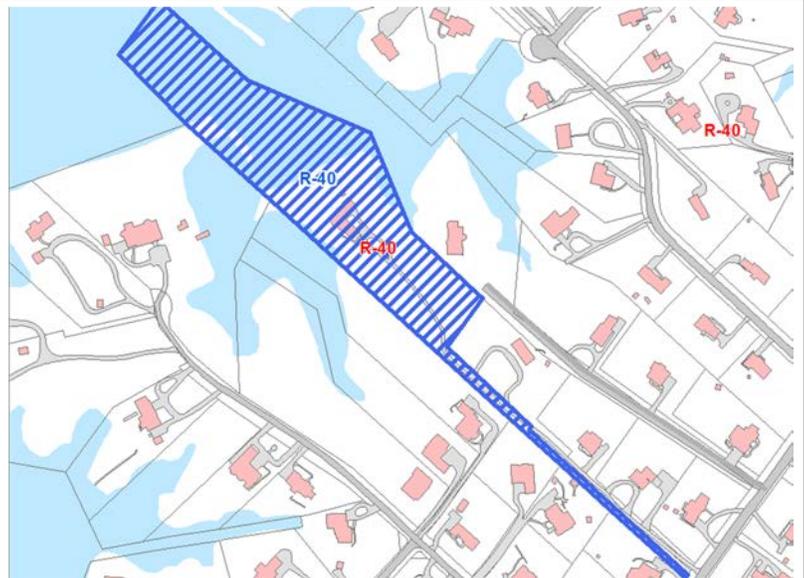
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Less than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Portion of paver patio

Construction Details

- Building addition – 2 story
- In-ground swimming pool

CBPA Ordinance Variance History

May 22, 2017 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a wood deck and paver patio with the following conditions:

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Land disturbance shall be limited to the area necessary to provide for the proposed use or development.*
3. *Wire 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. Said silt fence shall be installed approximately 10 feet from improvements.*

*Construction limits shall lie approximately 10 feet from the proposed improvements. **Within the RPA, exclusive of limits of construction, areas of existing landscaped beds, trees, areas of existing leaf litter or forest floor, and other naturalized areas, such as shoreline vegetation, may not be removed.***

4. *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.*
5. *Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **699 square feet x 200 percent = 1,398 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 Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance: **4 canopy trees, 4 understory trees, and 8 large shrubs, and 12 small shrubs.***

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

survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

6. *Under deck treatment of sand and gravel shall be installed.*
7. *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.*
8. *The conditions and approval associated with this variance are based on the exhibit prepared by the applicant and presented to the Board. Said exhibit and conditions shall be submitted to the Department of Planning, Zoning Division for review and approval prior to the issuance of a building permit. The Zoning Division and/or Permits and Inspections may require additional information that may affect the release of a building permit.*

The May 22, 2017 CBPA 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): 8

Soil Type(s)

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

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

Shoreline

Shoreline is in a natural state.

Riparian Buffer

Heavily Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 5
- Number of dead, diseased or dying existing canopy trees requested for removal within the RPA: 0
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within proximity to the limits of construction associated with the proposed improvements. Staff supports the request to remove the subject trees.

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 subject lot consists of a well-established riparian buffer. Minimal impacts will occur within the riparian buffer from construction activity associated with the proposed improvements. The construction activity within the riparian buffer will occur adjacent to the existing improvements with most of the activity occurring in areas currently devoted to turf or

ornamental landscaping. As such, Staff is of the opinion that the variance request is in harmony with the findings of the CBPA Ordinance given the preservation and maintenance of the existing riparian buffer by the applicant thus providing intrinsic water quality value from the ecological and biological processes present.

Staff supports the application as submitted subject to the recommended conditions below with the following comments relative to the findings of the CBPA Ordinance offered by the applicant's agent for the Board's deliberation.

- 1) Granting the variance will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated because *"the proposed improvements are in keeping with the development of the neighborhood and adjacent parcels."* Staff concurs.
- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief because, *"the house was originally built in the 1951 and the lot was platted prior to the Bay Act. We feel the best areas for expansion/redevelopment for the property as shown for the property as shown to help avoid additional impacts to the resource. The proposed improvements have been limited to landward buffer."* 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 additional proposed buffer restoration will help filtrate the runoff before being discharged to the water."* Staff concurs.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, *"planting buffer restoration and bio-retention stormwater management will be placed between the improvements and the canal to capture and treat runoff prior to discharging into the bay."* Staff concurs.

Given the above comments, Staff recommends the following 11 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

- 1) The conditions and approval associated with this variance are based on the exhibit plan dated July 13, 2017, prepared by WPL, signed March 5, 2020 by Eric Garner. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. A Single-Family RPA Small Projects Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit. Land disturbance associated with the proposed improvements at any given time shall not exceeds 2,500 square feet. If at any time land disturbance exceeds 2,500 square feet, Planning Department Staff may issue a stop work order. At that time, a full site development plan in compliance with local and State regulations shall be submitted for review and approval through the Development Services Center (DSC).
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting /

buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.

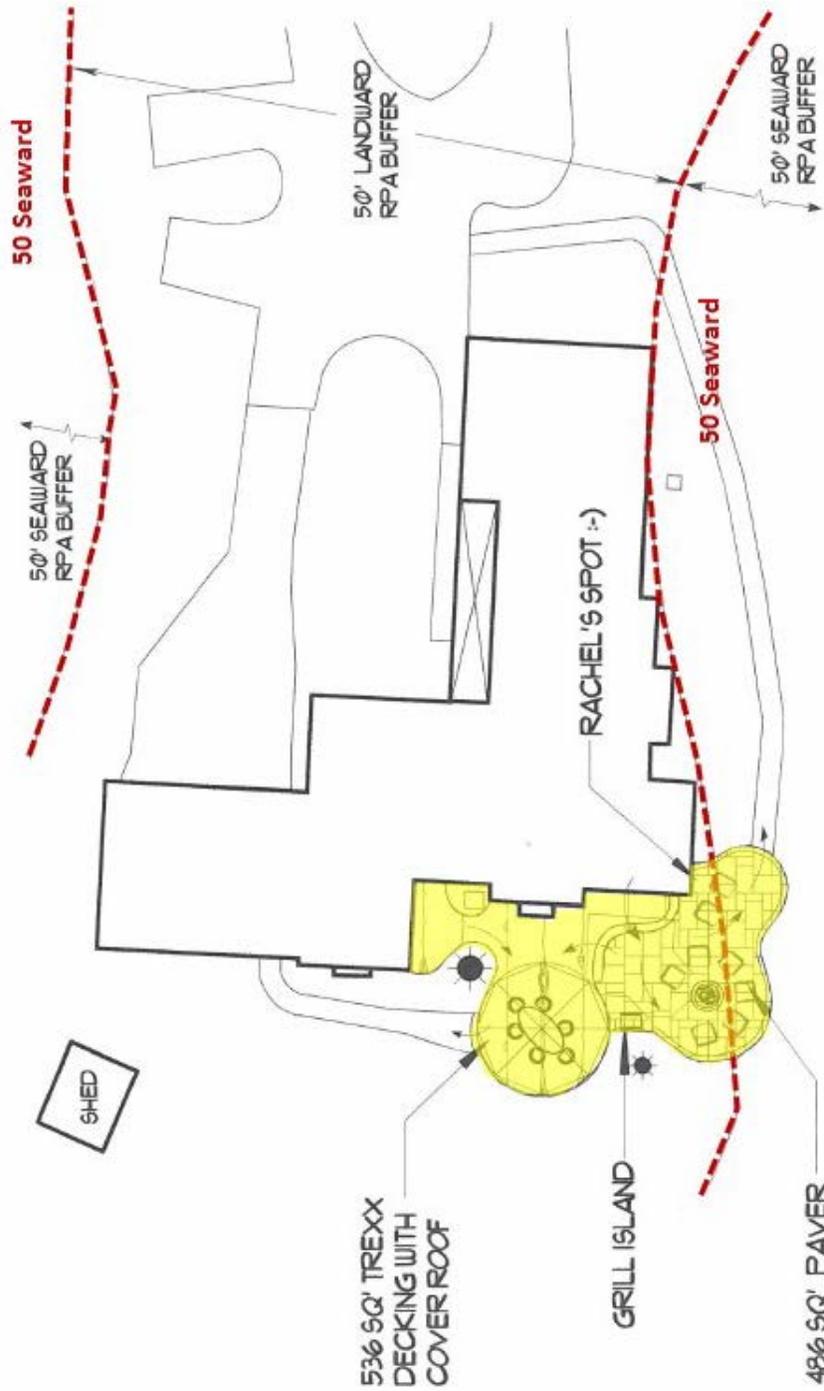
- 3) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **1,279 square feet x 200 percent = 2,558 square feet**. Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **6 canopy trees, 6 understory trees, 12 large shrubs, and 18 small shrubs**.
- 4) A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.
- 5) 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.**
- 6) 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.
- 7) Construction limits along the seaward portion of the project shall lie a maximum of 10 feet seaward of improvements. **All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan.**
- 8) 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.
- 9) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 10) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 11) This variance and associated conditions **are in addition to** the conditions of the Board variance granted May 22, 2017.

** 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





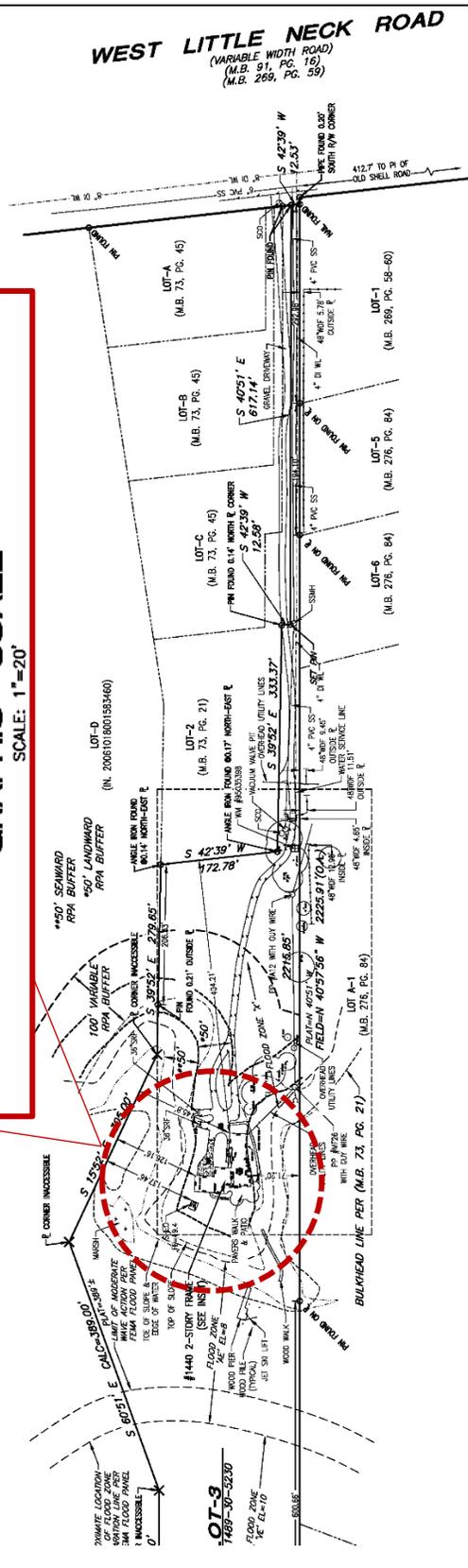
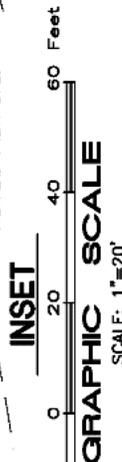
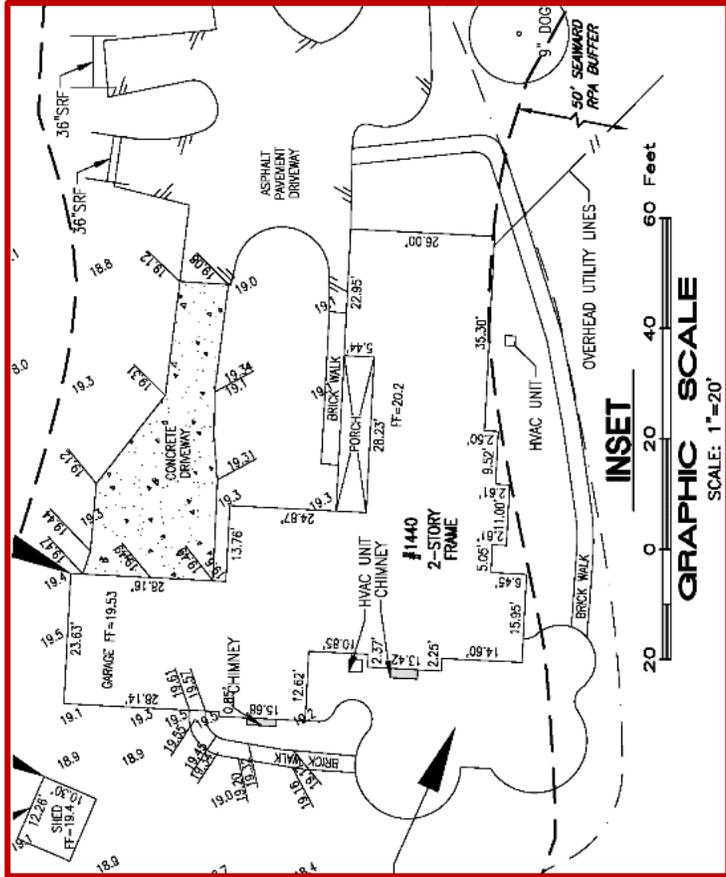
ASHBY RESIDENCE
PROPOSED
TREXX & PAVER PATIO

* 288 SQ' RE-DEVELOPMENT

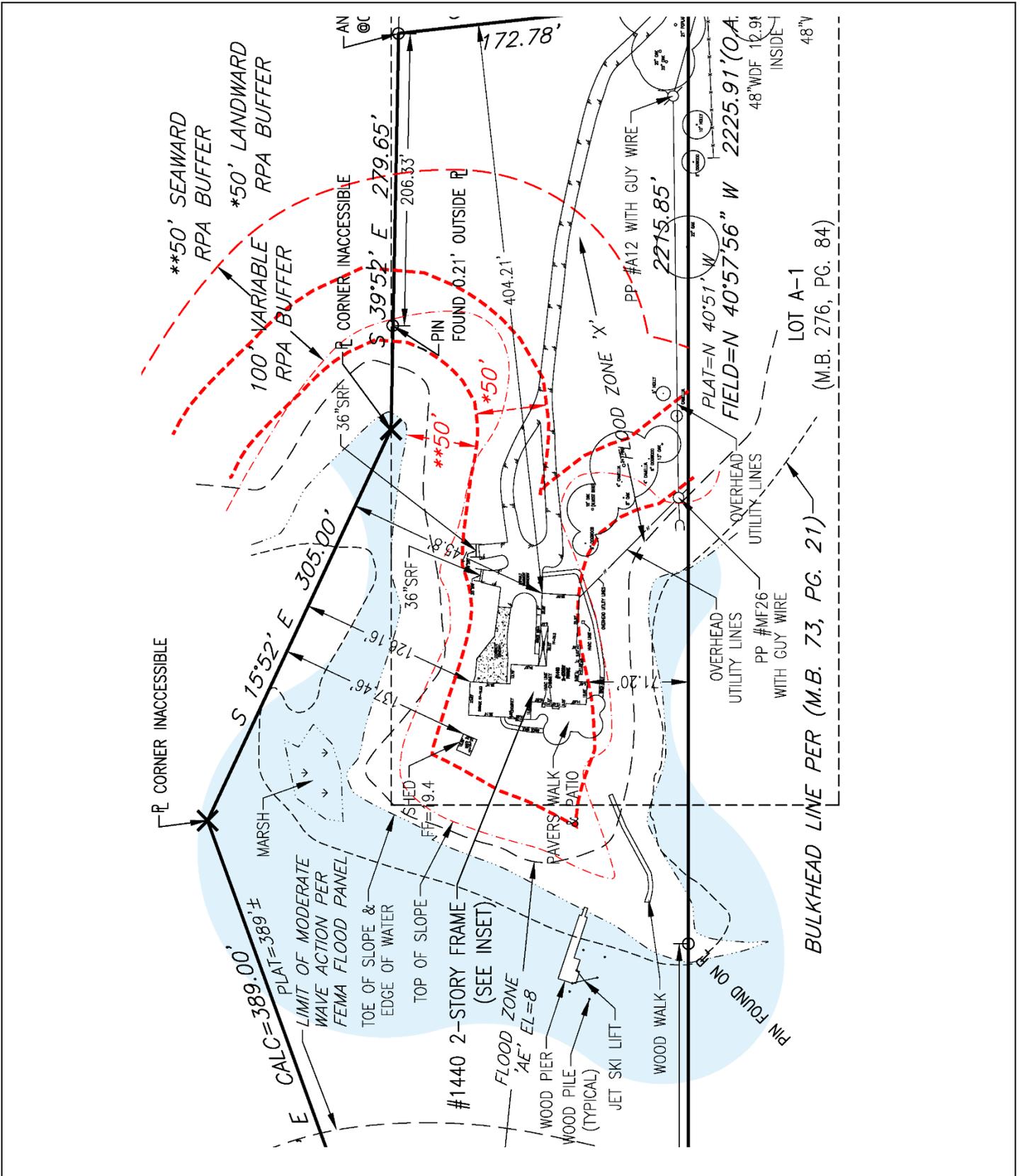


Revision #: Date: 4/5/2017	Scale: 1" = 20'		Landscape Plan: 1440 West Little Neck Road	Landscape Design by: Diane Smith Di-namic Landscape Designs
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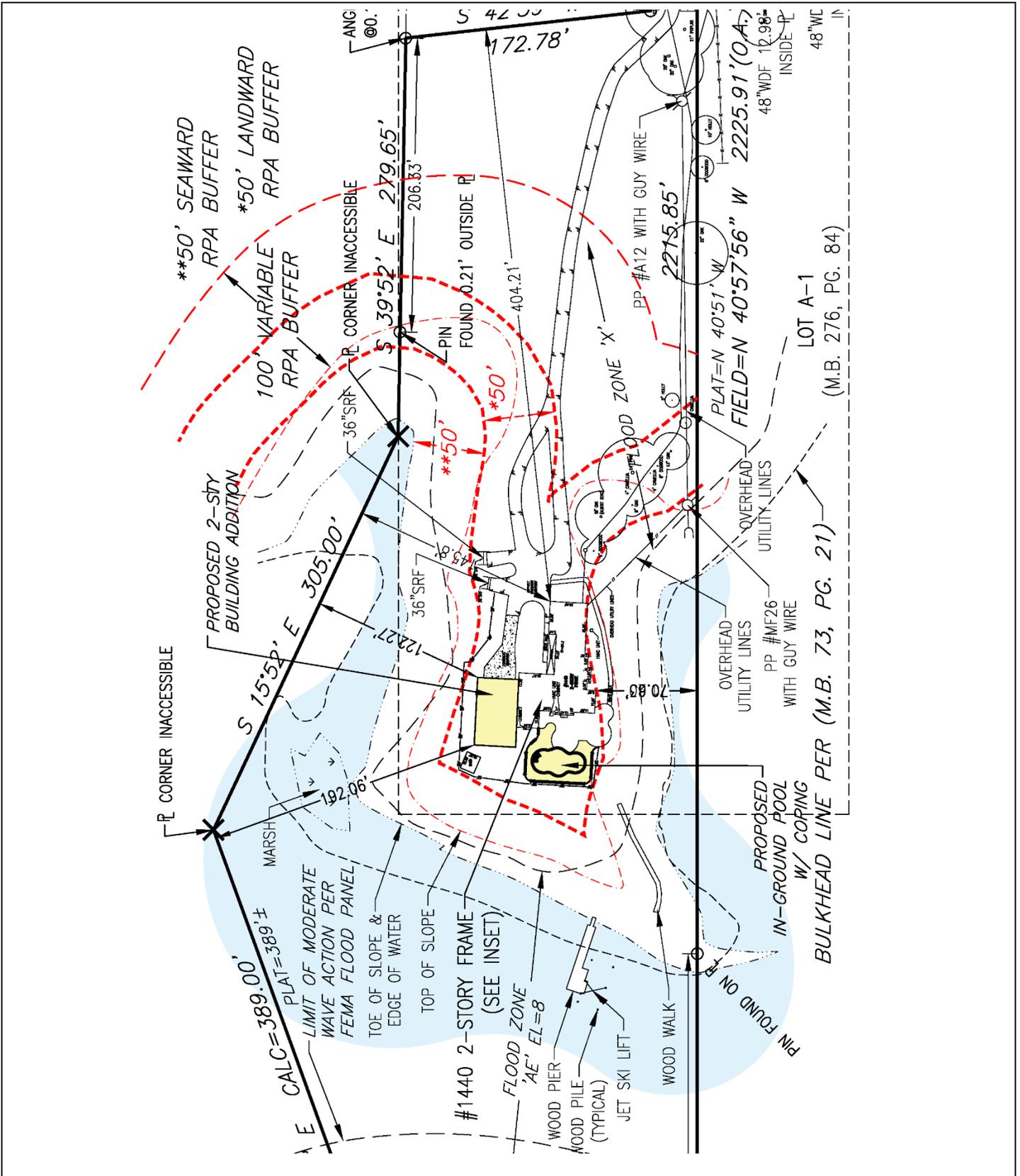
CBPA Exhibit – Existing Conditions



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME John Ashby, Jr & Rachel Ashby

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: John Ashby, Jr & Rachel Ashby
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 and²

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: John Ashby, Jr & Rachel Ashby
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	Studio Battaglia
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Atlantis Pools
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	WPL
<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	Billy Garrington, GPC
<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

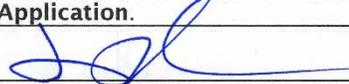
YES	NO	Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?
<input type="checkbox"/>	<input checked="" type="checkbox"/>	

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



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.

	John Ashby	4 Mar 20
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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



Applicant & Property Owner **Chisholm RT**
Address **1325 Chewink Court**
Public Hearing **June 1, 2020**
City Council District **Lynnhaven**

Agenda Item

5

Variance Request

Modification of the November 26, 2012
Chesapeake Bay Preservation Area (CBPA)
Board variance to delete condition 8.

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Map Book 7, Page 192
Recorded 7/30/1926

GPIN

2418-21-4959

SITE AREA

28,308 square feet or 0.64 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

26,637 square feet or 0.61 acres

EXISTING IMPERVIOUS COVER OF SITE

7,804 square feet or 29.3 percent of site

Location of Proposed Impervious Cover

50-foot Seaward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Wood bulkhead
- Rip rap revetment

Construction Details

- Vinyl bulkhead – 2 feet channelward of existing bulkhead and boat basin

CBPA Ordinance Variance History

November 26, 2012 a Chesapeake Bay Preservation Area (CBPA) Board variance was granted for the construction of a circular driveway, wood deck and swimming pool with the following conditions:

1. *A pre-construction meeting shall be held with the CBPA Inspector prior to any land disturbance, including demolition.*
2. *Land disturbance shall be limited to the area necessary to provide for the proposed use or development.*
3. *Wire re-enforced 36" erosion and sedimentation control measures (silt fences), shall be installed along the seaward portion of the project prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed 10 ft. from proposed improvements. Best management practices for erosion and sediment control shall be employed during restoration activities to protect adjacent wetlands and shorelines of water bodies.*
4. *Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.*
5. *Prior to the issuance of any certificate of occupancy, or the final release of any permit authorizing a land disturbing activity, all disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations by such methods as, but not limited to, temporary seeding, permanent seeding, sodding or soil stabilization blankets and matting. The Building Code Official may authorize a temporary certificate of occupancy without the required soil stabilization if the failure to stabilize is due to circumstances **beyond the control** of the permit holder.*
6. *Construction limits shall lie a maximum of 10' outboard of improvements.*
7. *The construction access way shall be noted on the site plan, as well as the stockpile / staging area.*
8. *Exclusive of the boat basin, if and when the shoreline is rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.*
9. *The pool shape, size, and location shall be as shown on the submitted plan.*

10. *Under deck treatment of sand and gravel shall be installed.*
11. *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. *A separate landscape / buffer restoration plan shall be submitted concurrent with the site plan detailing location, number, and species of vegetation to be installed. The landscape plan shall clearly delineate existing naturalized (trees, landscaping and mulched organic surfaces) areas, planting beds, and turf zones.*
13. *A revised site plan shall be submitted to the Department of Planning, Development Services Center for review and approval prior to the issuance of a building permit.*
14. *The conditions and approval associated with this variance are based on the site plan prepared by Engineer Services, Inc. dated October 2, 2012 and sealed November 7, 2012 by Edward F. Rudiger, Jr.*
15. *Stormwater runoff from areas of existing or proposed impervious cover equal to the amount of proposed impervious cover shall be conveyed to stormwater management facilities. Conveyance to the dry detention planting bed as shown on the submitted site plan referenced by condition sixteen should be employed to the maximum extent practicable. Stormwater facilities shall be installed prior to the certificate of occupancy or release of the building permit.*
16. ***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 \$674.66 and is based on 25% of the proposed impervious cover within the RPA, inclusive of the variable width portion of the buffer. Said payment shall provide for the equivalent of an approximate 736 sq. ft., 12-inch deep oyster shell plant within the Lynnhaven River Basin.*
17. *Buffer restoration shall be installed equal to 200% of the proposed new impervious cover within the RPA (2,944 sq. ft. x 200% = 5,888 sq. ft.) and shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located in the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed within the RPA buffer. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.*
18. *Buffer restoration shall be installed equal to 100% of the proposed area of redevelopment within the RPA (256 sq. ft. x 100% = 256 sq. ft.) and shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Dept. of Conservation & Recreation, Chesapeake Bay Local Assistance. The required restoration shall be located within the Resource Protection Area, in areas currently devoted to turf or where impervious cover is removed. The restoration shall be installed beginning in the seaward portion of the buffer and progressing landward and shall have a mulch layer of organic material 4" – 6" in depth. Said mulched restoration areas shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of 50% deciduous and 50% evergreen species and shall be evenly distributed*

within the RPA buffer. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit. In lieu of 100% restoration for redevelopment areas, a 10% reduction in pollutant removal load is acceptable via a structural BMP.

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

Portions of the November 26, 2012 CBPA Board variance has been acted upon and the associated upland improvements constructed.

Environmental Conditions

Riparian Buffer

Moderately to sparsely wooded lot

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

Shoreline

Majority of the shoreline is hardened by a wood bulkhead. A portion of the western shoreline is hardened by a rip rap revetment.

Soil Type(s)

Yeopim Series (deep and moderately well-drained soils)

Flood Zone

Multiple Zones – Zone AE, Base Flood Elevation (BFE): 7 and 0.2% annual chance flood hazard.

Stormwater Management Methodology

The proposed improvements are a water dependent facility - a development of land which cannot exist outside of a Resource Protection Area and which must be located on the shoreline by reason of the intrinsic nature of its operation, as authorized under the provisions of Sections 1400—1418 of the City Zoning Ordinance (Appendix A).

Evaluation and Recommendation

Condition 8 of the November 2012 CBPA Board variance requires that *“exclusive of the boat basin, if and when the shoreline is rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.”* The applicant’s agent has submitted this variance request to have said condition reconsidered by the Board. The request is to allow the applicant to install a vinyl bulkhead 2 feet channelward of the existing wood bulkhead and boat basin. The methodology to redevelop the existing shoreline will be accessed from the uplands to construct the vinyl bulkhead with minimal impacts to the existing upland vegetation.

To further support 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) The redevelopment of the shore will not confer upon the applicant any special privilege or convenience not accorded to other owners of property in the Chesapeake Bay Preservation Areas who are subject to the provisions of this Ordinance and are similarly situated as *“those shorelines have been hardened by similar practices, either rip rap revetments of bulkheads.”* While Staff respects the agent’s statement regarding the practicability of redeveloping the existing shoreline, shoreline analysis conducted by the Center for Coastal Resource Management suggests the use of non-structural best management practices for this lot. This preferred shoreline best management practice is provided given the low energy environment along the existing shoreline.
- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City’s CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) Staff offers that the request to redevelop the existing shoreline is the minimum necessary to afford relief with the methodology for accessing the existing shoreline proposed from the uplands to construct the vinyl bulkhead with no long-term impacts to the existing upland vegetation proposed.
- 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 redevelopment of the shoreline with a hardened structure offers a means towards managing the stability of the uplands long-term.”* Staff acknowledges the statement provided by the applicant’s agent. Staff offers that the redevelopment of shorelines and the practices selected to do so need to account for the intent of the CBPA Ordinance to restore state waters to a condition or quality that will permit all reasonable public use and will support the propagation and growth of all aquatic life, including game fish which might reasonably be expected to inhabit them.
- 5) The applicant’s agent provides that *“with the redevelopment of the shoreline, there will be no increase in impervious cover and therefore no increase in nonpoint source pollution.”* Staff concurs.

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

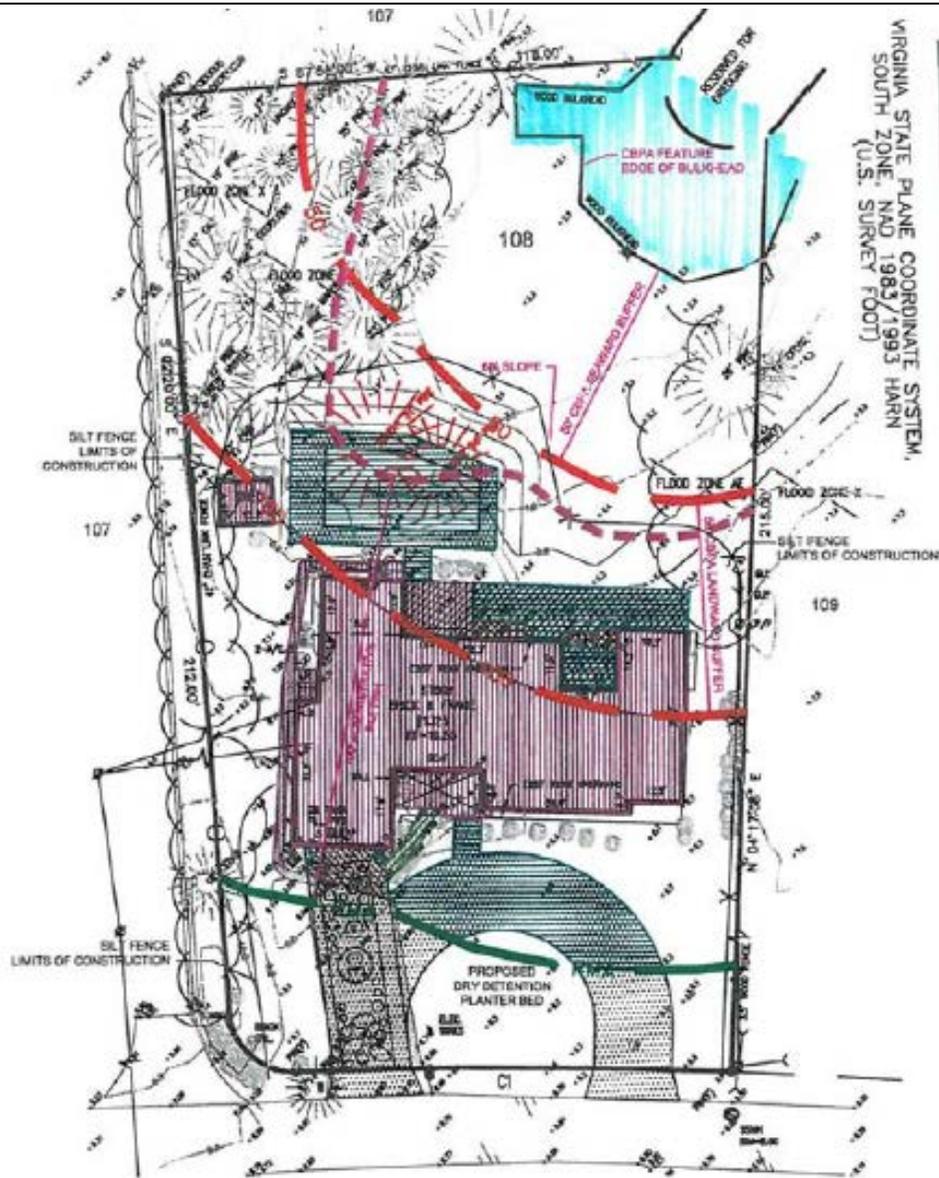
Recommended Conditions

1. This variance is in addition to the conditions of the CBPA Board variance granted November 26, 2012 and removes condition 8 of said 2012 CBPA variance that states *“Exclusive of the boat basin, if and when the shoreline is rehardened, a rip-rap revetment shall be constructed in lieu of a vertical retaining structure (vinyl, timber or steel bulkhead). The toe of said revetment shall lie at or landward of mean high water or tidal vegetated wetlands, unless the Wetlands Board determines that site specific conditions warrant a more seaward alignment.”*

***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



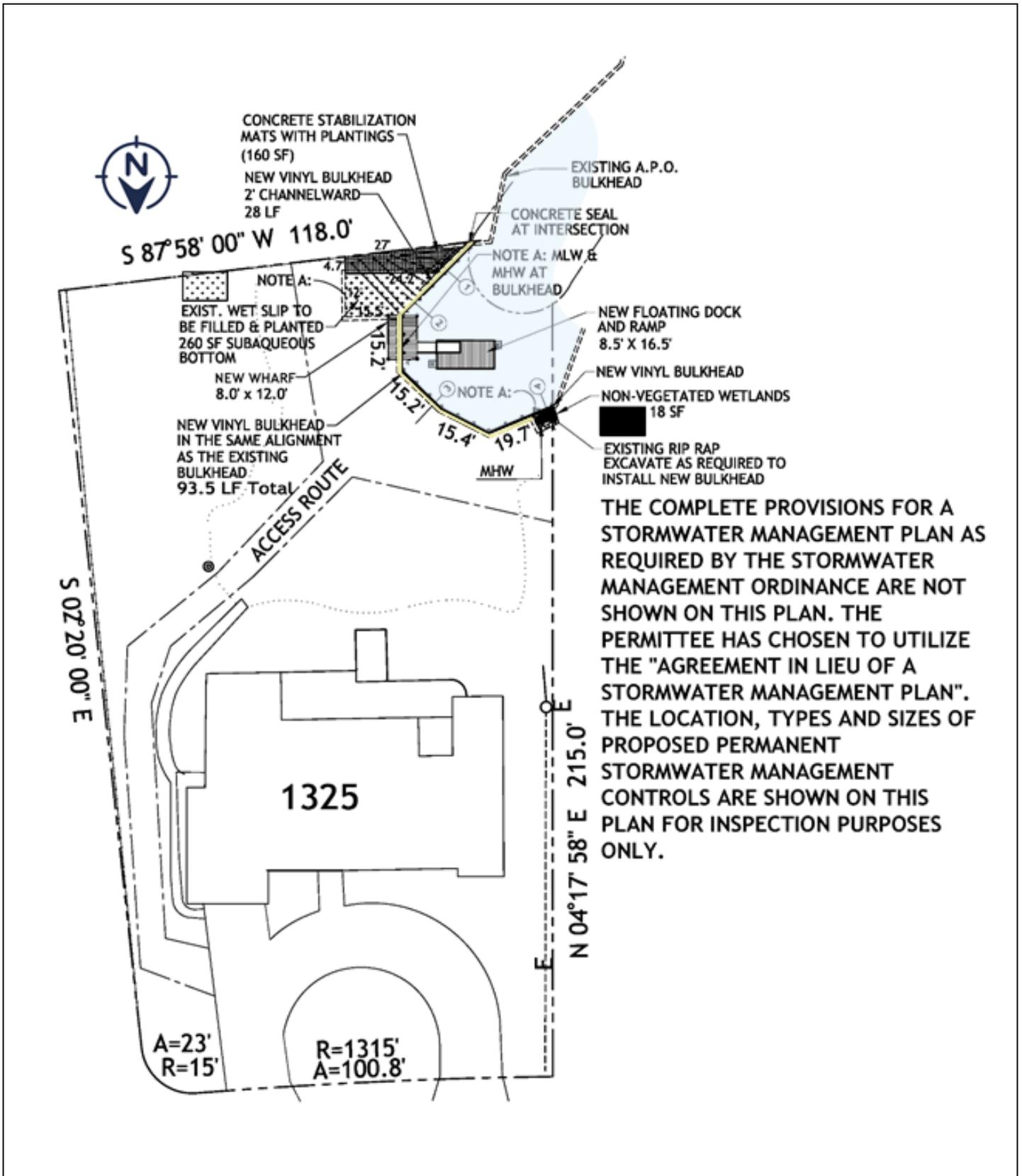


**ANALYSIS OF DEVELOPMENT
WITHIN THE CBPA RESOURCE PROTECTION AREA**

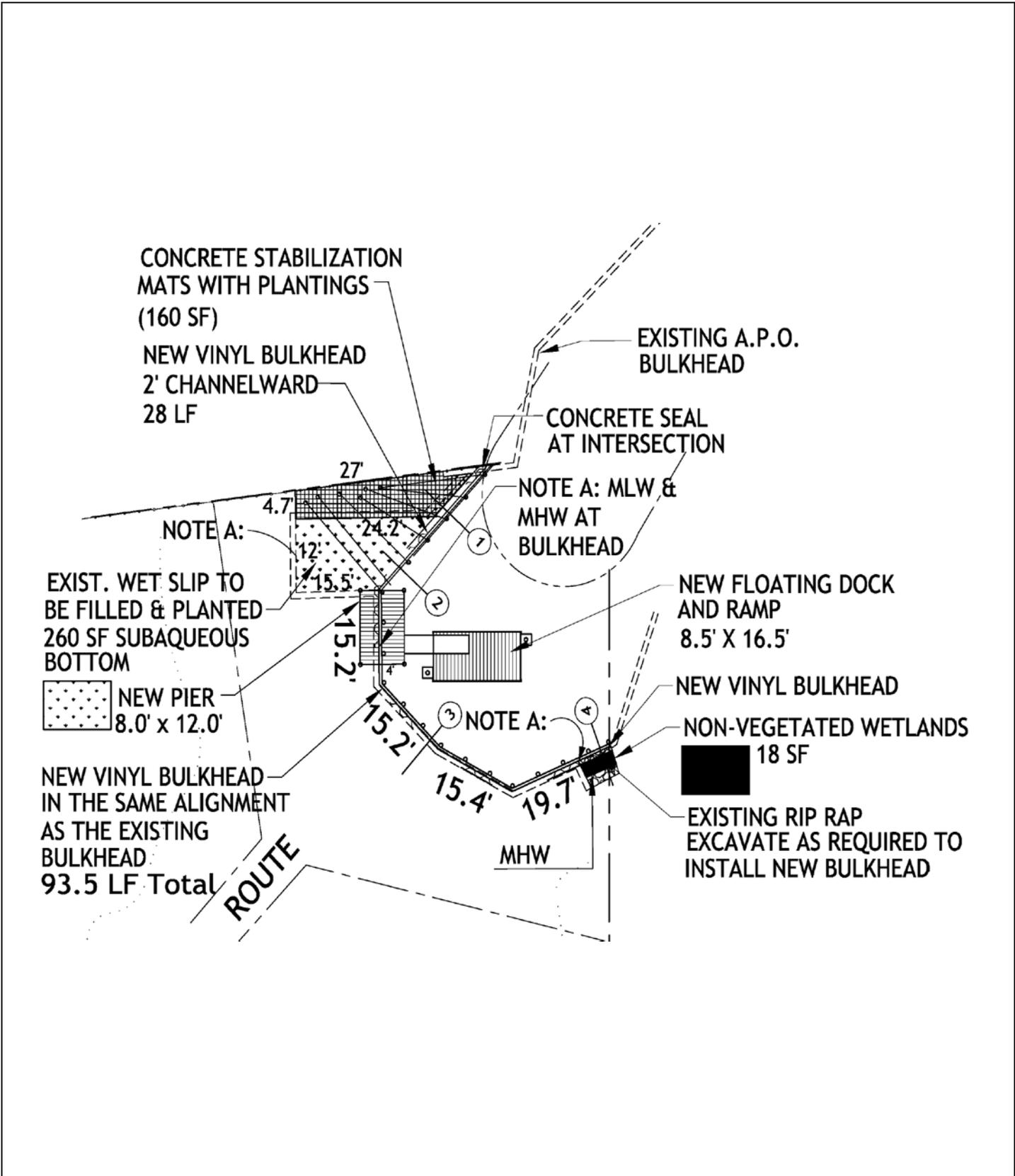
PARCEL SIZE (SQ. FT.)	23,894	LEGEND	EXISTING (SQ.FT.)	PROPOSED (SQ.FT.)	PROPOSED % OF SITE	BUFFER %	RESTORATION REQUIRED (SF)
IMPERVIOUS COVER DEMOLITION			316	0			
DEVELOPMENT OUTSIDE THE RPA			855	1,945			
AREA CONVERTED TO PERVIOUS			60	0			
IMPERVIOUS COVER TO REMAIN			4,468	4,468	19	0	0
REDEVELOPMENT NEW OVER OLD			256	256	1	100	256**
NEW IMPERVIOUS			0	2,944	12	200	5,888
TOTAL IMPERVIOUS AREA			4,784	7,668	32		6,144

** or substitute 10% stormwater pollutant reduction in lieu of "redevelopment" buffer restoration

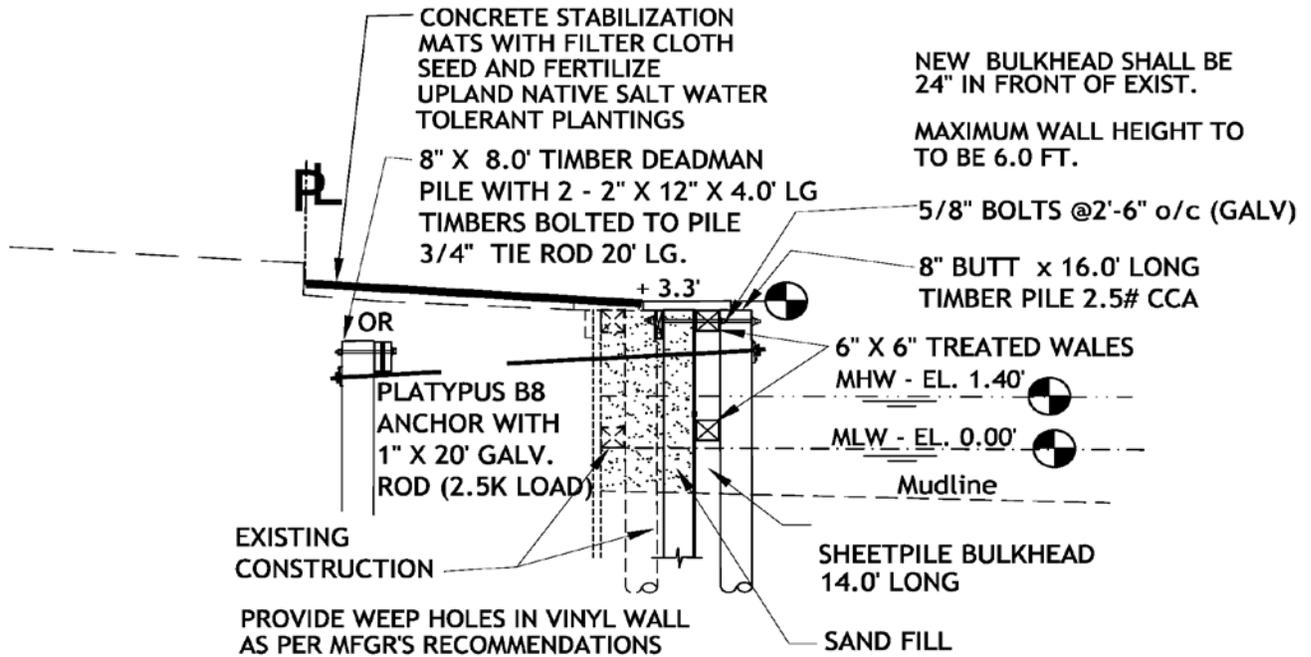
CBPA Exhibit – Proposed Improvements



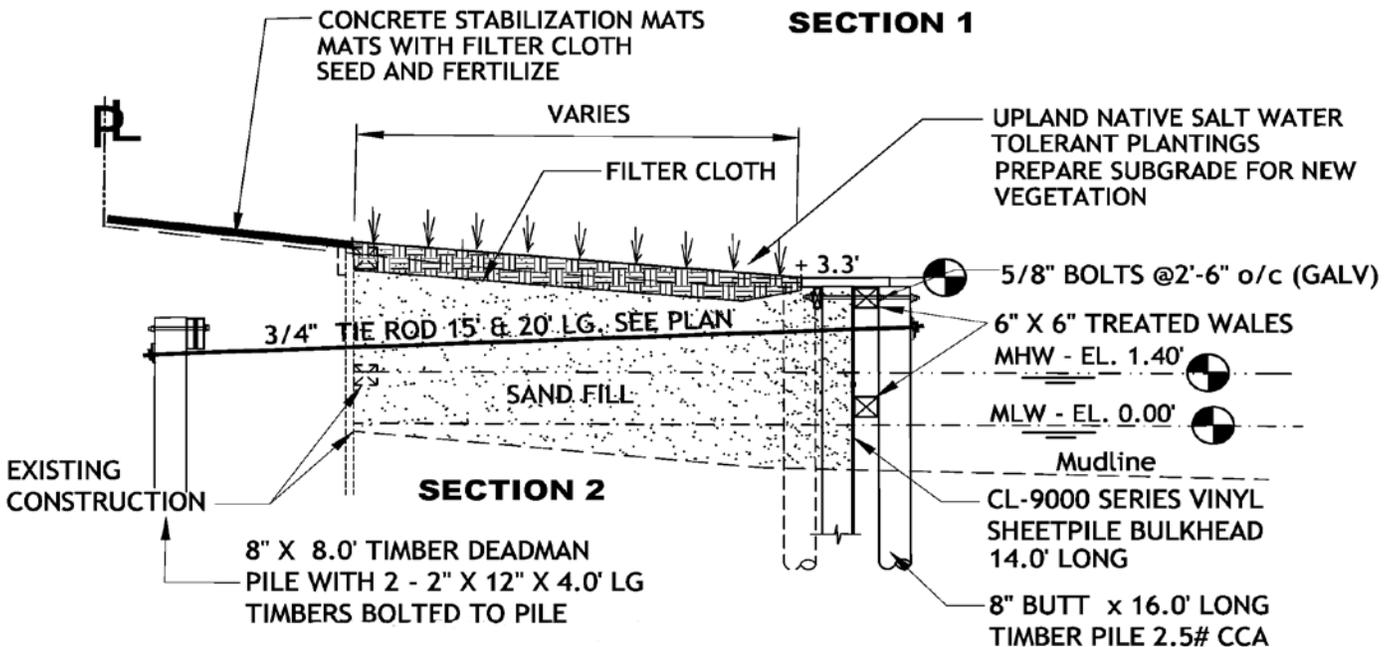
CBPA Exhibit – Proposed Improvements, Enlargement Insert



CBPA Exhibit – Shoreline Redevelopment Cross-section

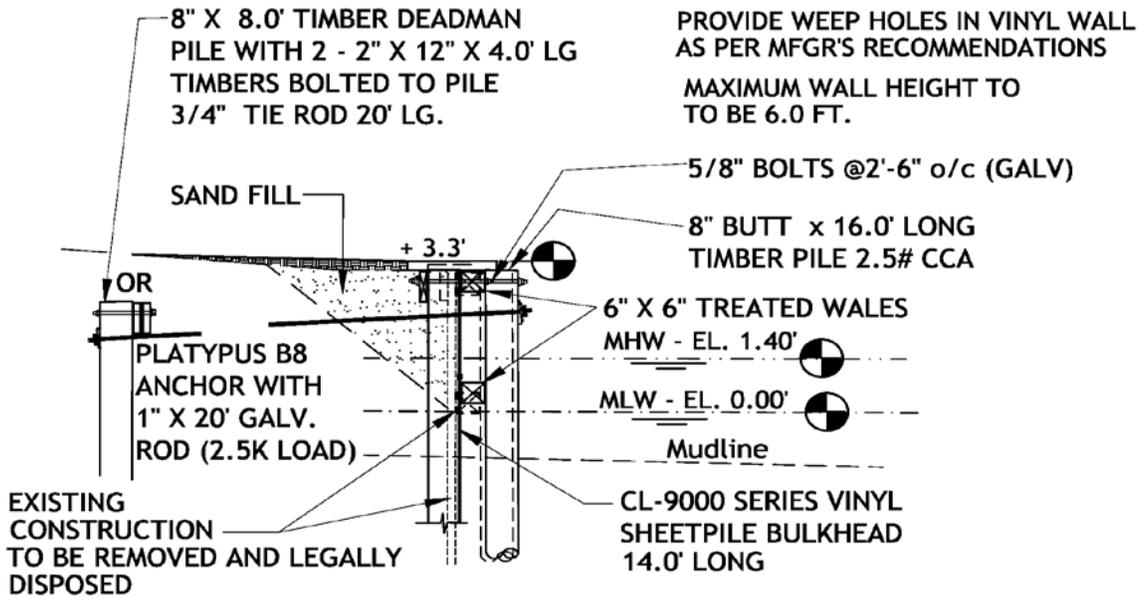


SECTION 1

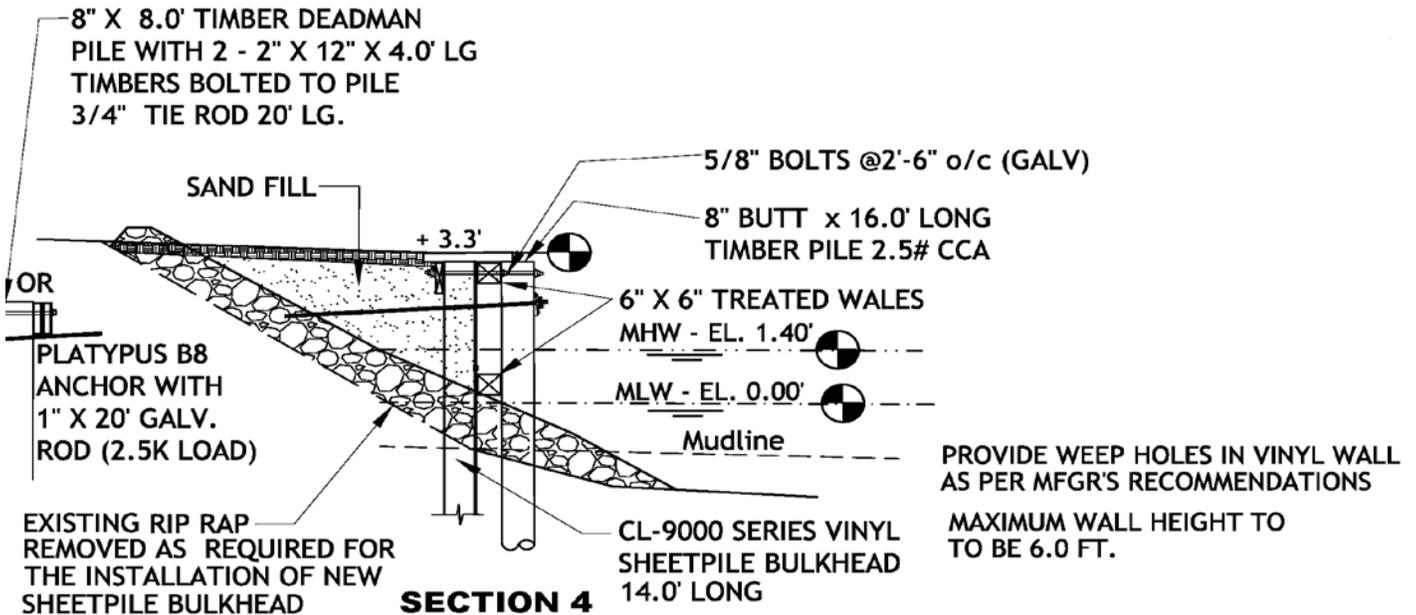


SECTION 2

CBPA Exhibit – Shoreline Redevelopment Cross-section



SECTION 3



SECTION 4



APPLICANT'S NAME Robert B. Chisholm

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: Robert B. Chisholm
If an LLC, list all member's names:

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

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

NONE

See next page for information pertaining to footnotes¹ and²

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: Robert B. Chisholm
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-subsiidiary ¹ or affiliated business entity ² relationship with the Property Owner: *(Attach list if necessary)*

NONE

¹ "Parent-subsiidiary 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-subsiidiary 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	COLIN MILLER
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	RICHARD CALVERT
<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)	USA FEDERAL SAVINGS BANK / NATIONSTAR MORTGAGE LLC
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legal Services	Billy Conroy
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	

Colin Marine

CALVERT Marine

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?

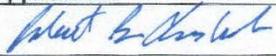
If yes, what is the name of the official or employee and what is the nature of the interest?



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.

	Robert B. Chisholm	29 FEB 20
APPLICANT'S SIGNATURE	PRINT NAME	DATE

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

Variance Request

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

Applicant's Agent

Eddie Bourdon

Staff Planner

PJ Scully

Lot Recordation

Map Book 34, Page 43
 Recorded 01/09/1953

GPIN

2409-81-6412

SITE AREA

45,867 square feet or 1.053 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

45,529 square feet or 1.045 acres

EXISTING IMPERVIOUS COVER OF SITE

6,699 square feet or 14.7 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

10,529 square feet or 23.1 percent of site

Area of Redevelopment in RPA

4,879.5 square feet

Area of Impervious Cover in RPA

2,767.7 square feet

Location of Proposed Impervious Cover

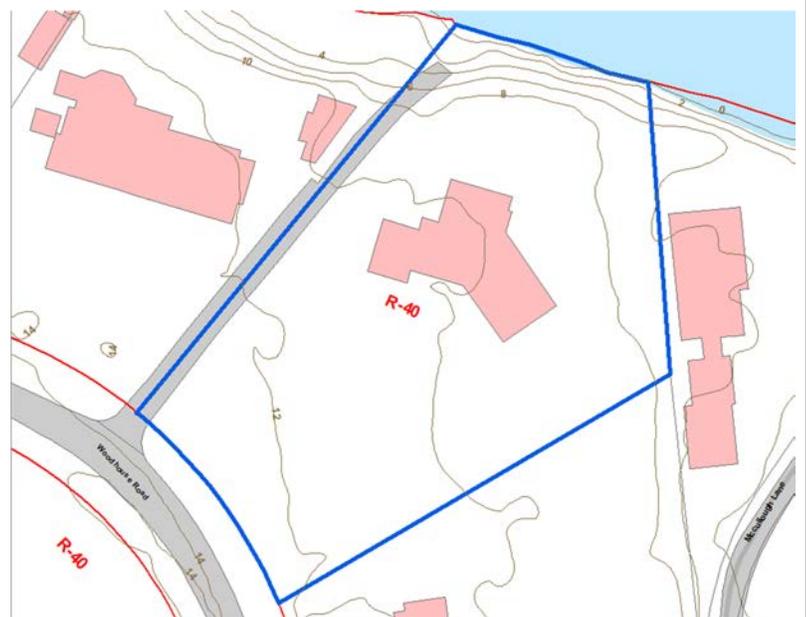
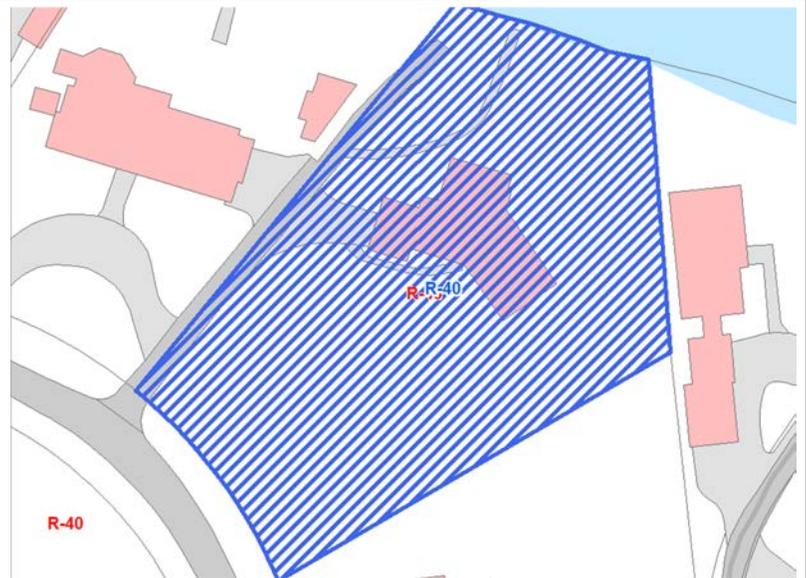
- 50-foot Landward Buffer
- 100-foot Variable Width Buffer
- Resource Management Area (RMA)

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Complete demolition – all primary and accessory structures to be removed

Construction Details

- 2-story single-family residence with associated walks
- Screened porch
- Loggia (*a gallery or room with one or more open sides, especially one that forms part of a house and has one side open to the garden*)

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Soil Type(s)

State Series (deep, well-drained soils)

Rumford Series (highly erodible soils)

Shoreline

The shoreline is partially hardened by a block bulkhead and rip rap revetment.

Riparian Buffer

Moderately to sparsely wooded lot

- Number of existing canopy trees requested for removal within the RPA: 3
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction, as shown on the submitted CBPA Exhibit for this variance request.

Stormwater Management Methodology

As delineated on the CBPA Exhibit for this variance request, infiltration trenches are shown seaward of the proposed improvements.

Evaluation and Recommendation

The variance request proposes to redevelop most of the existing impervious cover on the lot, which was platted approximately 38 years prior to the adoption of the CBPA Ordinance. The proposed improvements utilize the existing footprint of the primary structure with minimal expansions along the rear of the new single-family residence, portions of which are over existing impervious cover. The variance request does encroach further into the upper reach of the RPA

buffer with proposed accessory structures – screened porch and loggia; however, Staff is of the opinion that these improvements are situated in an area that is the least sensitive portion of the lot. Overall, of the 2,676 square feet of new impervious cover proposed, approximately 994 square feet is within the 50-foot landward buffer associated with the development of the single-family residence, screened porch and loggia.

Given the applicant’s awareness and respect towards redeveloping this lot with new improvements in the same general location as the current improvements, Staff supports this request. The applicant 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 redevelopment of the lot with minimal encroachments within the 50-foot landward buffer does not convey a special privilege to the applicant given the extent of redevelopment on adjacent lots within the neighborhood.
- 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 contract purchaser because *“the buffer zones were made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away.”* Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this parcel was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City’s CBPA Ordinance, therefore placing portions of this property within the RPA.
- 3) The variance is the minimum necessary to afford relief because *“the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30 % of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds.”* Staff is of the opinion that the amount of redevelopment that is proposed with the variance request, coupled with the minimal encroachments into the upper reaches of the 50-foot landward buffer, provide 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 purpose and intent of the ordinance is simply water quality, to prevent pollution of the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality.”* Staff concurs.
- 5) *“Strict erosion and sediment control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating and denuded areas all help to limit pollution from entering the adjacent waters”* as a means to manage towards a no net increase in nonpoint source pollution load. If properly implemented and maintained, Staff concurs that the restoration of the riparian buffer offers a management practice that aids in a no net increase in nonpoint source pollution.

Given the above comments, Staff recommends the following 15 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

- 1) A Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 3) Buffer restoration shall be installed equal to 200 percent of the proposed new impervious cover within the RPA: **2,767 square feet x 200 percent = 5,534 square feet.**

Said restoration shall achieve the full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance: **7 canopy trees, 7 understory trees, 28 large shrubs, and 42 small shrubs.**

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

- 4) 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) 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.
- 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) 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.

- 9) 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.
- 10) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.
- 11) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 12) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 13) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 14) ** 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 \$613.25 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.
- 15) The conditions and approval associated with this variance are based on the exhibit plan dated March 3, 2020, prepared by Gallup Surveyors & Engineers, signed March 3, 2020 by David R. Butler. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board. Deviation from said conditions during site plan review may require re-submittal for Board consideration.

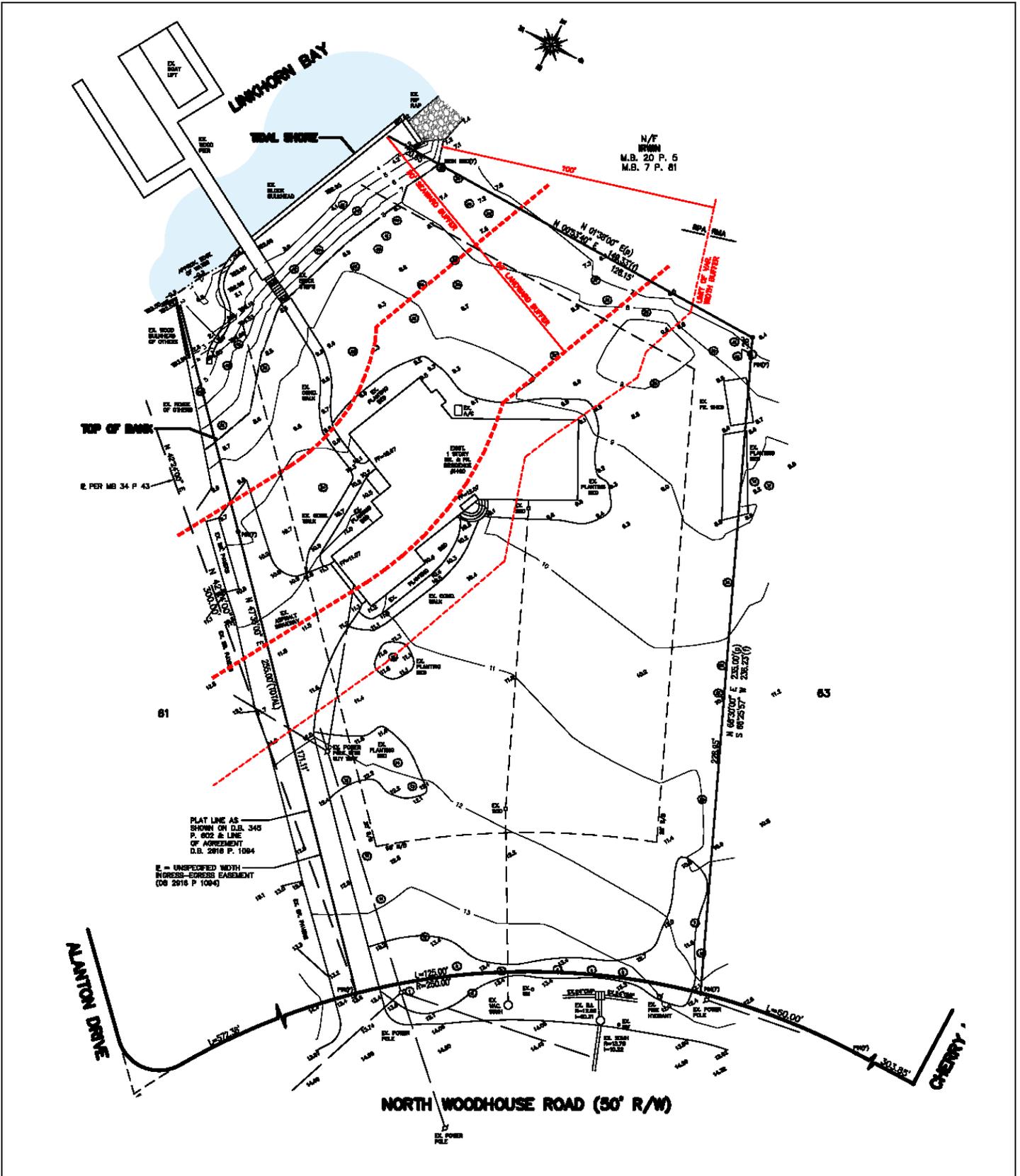
** NOTE: The amount to be paid into the Lynnhaven River Oyster Heritage Fund may change based on the square footage of impervious cover shown on the final submitted site plan.

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

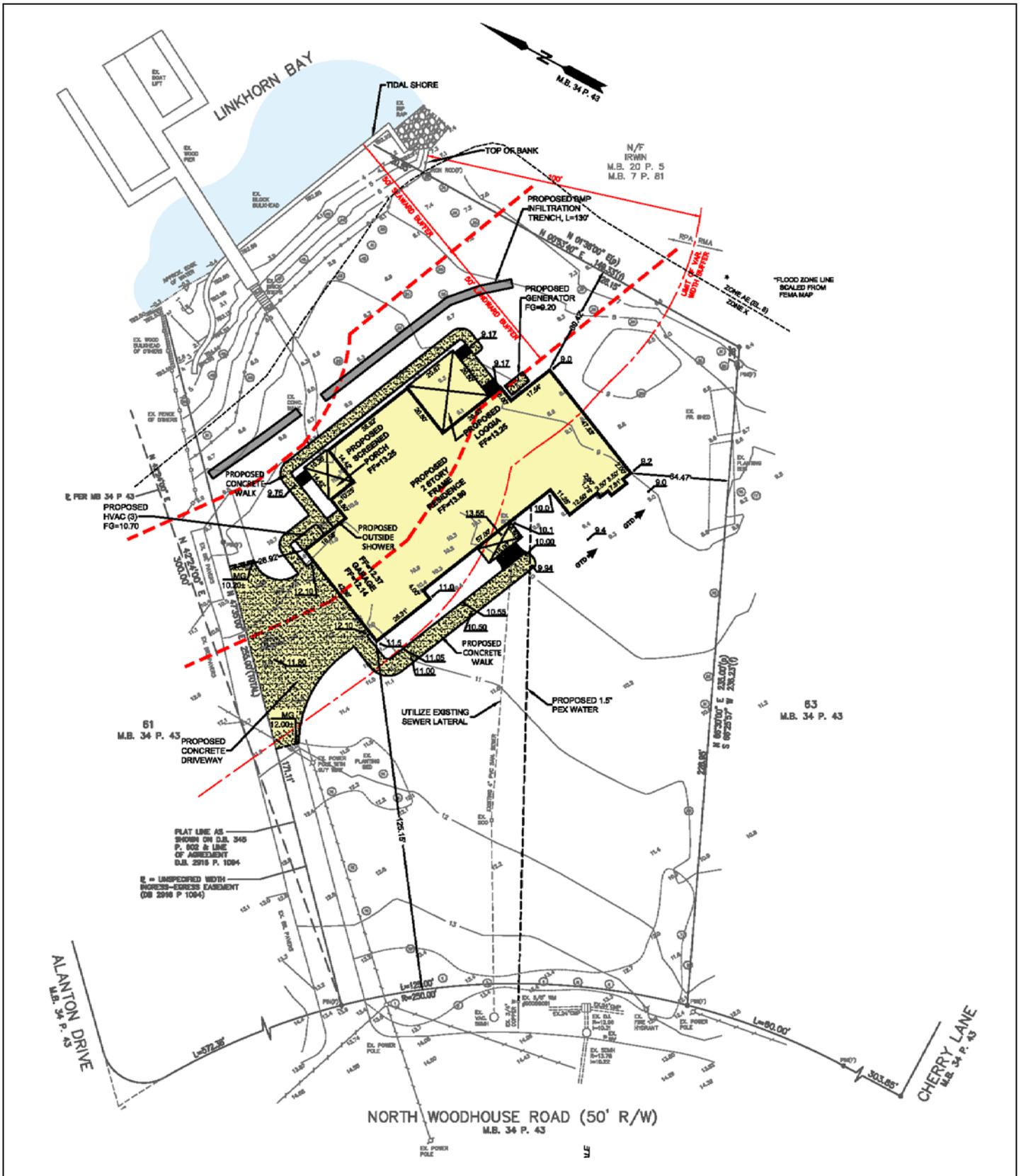
Site Aerial



CBPA Exhibit – Existing Conditions



CBPA Exhibit – Proposed Improvements





APPLICANT'S NAME *Reno Family Dynasty Trust:
LuAnn Freeman Reno, Family Trustee*

DISCLOSURE STATEMENT FORM

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Certificate of Appropriateness (Historic Review Board)	Floodplain Variance	Street Closure
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Conditional Use Permit	Lease of City Property	Wetlands Board
	License Agreement	

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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: Reno Family Dynasty Trust.
If an LLC, list all member's names: Luanne Freeman Reno Family Trustee

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

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

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

(A) List the Property Owner's name: Reno Family Dynasty Trust, Luanne Freeman Reno,
If an LLC, list the member's names: Family Trustee



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 <i>703 843 8100 www.kdo.com</i>	<i>Jonathan Rubin, BDO USA, LLP 8401 Greensboro Dr, Suite 900 McLean, VA 22102</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Architect / Landscape Architect / Land Planner	<i>Bill Bissell@Verizon.net</i>
<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 <i>757-478-3282</i>	<i>L. Blount Custom Homes Inc. Blount Custom Homes @ Verizon.net</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	<i>Gallup Engineers & Surveyors 323 First Colony Road, VA Be, VA 23454</i>
<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	<i>Allison K. Noll @ Off. of Human Affairs / Eddie Bourden - Sykes, Bourden, Athern - Levy</i>
<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>Reno Family Dynasty Trust by</i>	<i>Reno Family Dynasty Trust</i>	
APPLICANT'S SIGNATURE <i>Lauren P. Reno</i>	PRINT NAME <i>Lauren F. Reno</i>	DATE
<i>Family Trustee</i>	<i>Family Trustee</i>	<i>3-2-2020</i>

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

AS NEEDED, PAGE LEFT BLANK



Variance Request

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

Applicant’s Agent

Eddie Bourdon

Staff Planner

PJ Scully

Lot Recordation

Map Book 39, Page 37-41
Recorded 09/09/1955

GPIN

1479-90-5771

SITE AREA

88,518 square feet or 2.0321 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

22,635 square feet or 0.52 acres

EXISTING IMPERVIOUS COVER OF SITE

0 square feet, undeveloped lot

PROPOSED IMPERVIOUS COVER OF SITE

5,825 square feet or 25.7 percent of site

Area of Redevelopment in RPA

0 square feet

Area of Impervious Cover in RPA

5,825 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

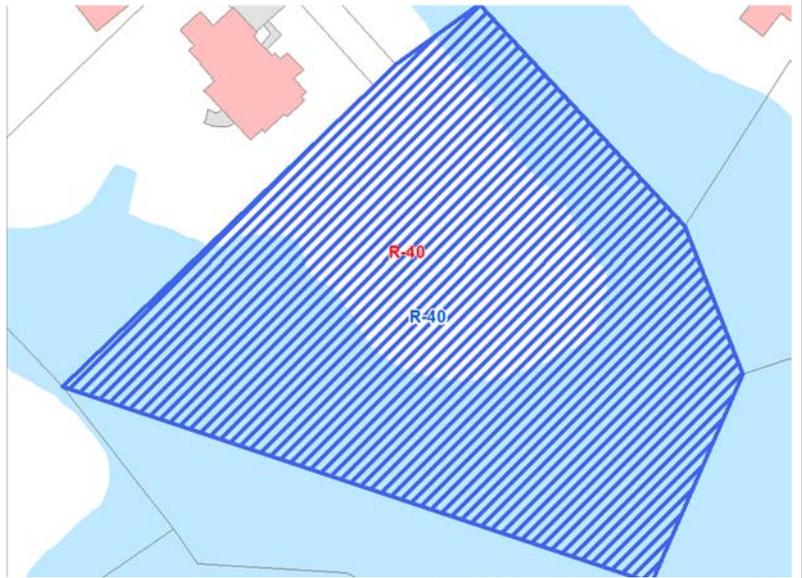
50-foot Landward Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Construction Details

- 2-story single-family residence with associated accessory structures – 2 covered porches and wood deck
- Concrete driveway with associated retaining wall

CBPA Ordinance Variance History

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

Environmental Conditions

Flood Zone

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

Soil Type(s)

Tetotum Series (deep, well-drained soils), above the top of bank

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

Shoreline

The shoreline is in a natural state.

Riparian Buffer

Heavily to moderately wooded lot

- Number of existing canopy trees requested for removal within the RPA: 28
- Evaluation of existing canopy tree removal request: Trees being requested for removal are within the delineated limits of construction, as shown on the submitted CBPA Exhibit for this variance request. Staff is concerned that the impacts to the existing canopy trees shown as being preserved may exceed that which is represented on the CBPA exhibit, specifically those trees adjacent to the proposed stormwater management facilities – infiltration trenches. The detail of the infiltration trench provided on sheet C04 of the CBPA Exhibit specifies a depth of 27 inches and a width of 24 inches. The roots of a mature tree are mostly in the upper 6 to 12 inches of the soil and typically extend one to three times the height of the tree. Staff is of the opinion that excavating for the proposed infiltration trenches has the potential to damage as much as 40 percent of the root system for those trees being preserved outboard the limits of construction, causing post-construction tree death within 5 to 7 years of completion. Staff has provided recommended conditions 8 – requiring an Arborist report, 14 - in lieu of the infiltration trenches shown on the CBPA Exhibit, infiltration wells shall be utilized as a means to manage stormwater and 15 – locating proposed stormwater infiltration well landward of the proposed silt fence / limits of land disturbance, as shown on the CBPA Exhibit to address this concern for the Board's deliberation.

Stormwater Management Methodology

On the submitted CBPA Exhibit, infiltration trenches are shown seaward of the proposed improvements. As mentioned above, Staff is of the opinion that the use of infiltration trenches is a concern with regard to the long-term retention and health of canopy trees outboard the limits of construction. As such, Staff has provided recommended condition 14

below that requires the use of infiltration wells to address the concerns. Infiltration wells require a smaller footprint than infiltration trenches and reduce the amount of disturbance to the existing root zones of trees outboard the limits of construction be preserved.

Evaluation and Recommendation

The Resource Protection Area (RPA) buffer for this peninsula lot is measured from the 3-foot contour located on both the east and west sides of the property. From the 3-foot contour, there is approximately 133 linear feet of uplands from shoreline to shoreline. As such, approximately 19,292 square feet of the 22,710 square foot lot is within the 50-foot seaward buffer of the RPA. With this variance request, the entirety of the proposed improvements constitute new development with more than 50 percent of the proposed improvements located within the 50-foot seaward buffer given the size and shape of the lot.

Given that sensitive environmental features encumber the vast majority of the lot, Staff does not support the amount of impervious surface proposed, approximately 5,825 square feet with the specified materials provided on the CBPA Exhibit. The lot's narrow peninsula shape and range of topography (from an elevation of approximately 12 feet above sea level to the edge of water with an average distance of approximately 77 linear feet) calls for a more appropriate and environmental sensitive design, specifically with the proposed improvements management of rainwater and treatment of run-off. Staff does acknowledge that the proposed improvements requested by the applicant, specifically the primary structure, comprising of approximately 58 percent of the impervious cover within the RPA, has been sized and located as such to align with the shape of the peninsula-shaped lot and topography of the shoreline. Despite this, it is Staff's opinion that additional consideration be given to the design and materials of the impervious surfaces. The proposed driveway access and front walkway, comprising of approximately 27 percent of the impervious cover within the RPA, are situated to provide direct access to the primary structure and utilize a retaining wall to limit impacts within the RPA. For both the front porch and rear deck, comprising of approximately 15 percent of the impervious cover within the RPA, Staff has provided recommended conditions 16 and 18 below as a means towards managing the proposed improvements from contributing to the degradation of water quality long-term.

For the Board's deliberation, the applicant's agent has provided the following comments with respect 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 *"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 subdivision plat for Section One of Thoroughgood was recorded in 1955 with the adjacent lots developed between 1956 and 2006. According to the City's GIS map, the primary structures associated with those developed lots range from approximately 46 linear feet to 85 linear feet from the edge of water or wetlands. Staff provides that this exception is intended to make sure that the variance request would not give the applicant something that has been denied to others in similar situations, and gets to the equity, fairness, and arbitrary and capricious aspects of any exception request and decision.
- 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 contract purchaser because *"the buffer zones were made a part of the Bay Act and these houses were already in place when it was enacted and the hardship that is now on these properties will never go away."* Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but

rather is necessitated by the fact that this parcel was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore placing the entire lot within the RPA. In addition, Staff provides that the overall impervious cover of the lot is 25.7 percent, for the land area above water and wetlands, with 58 percent of the overall impervious cover allocated to the primary structure, 27 percent of the overall impervious cover allocated to access – driveway and front walkway, and 15 percent of the overall impervious cover allocated to accessory structures – front porch and rear deck.

- 3) The variance is the minimum necessary to afford relief because *“the minimum necessary is a very arbitrary concept but the Board has routinely granted variances with the understanding that the total impervious cover not exceed 30 % of the land area which leaves a significant amount of land to be used for buffer restoration and bioretention beds.”* Staff is of the opinion that the minimum necessary to afford relief allows Staff to work with the applicant to balance a variance request with the performance standards of the CBPA Ordinance. The Virginia Department of Environmental Quality (VA DEQ) provided guidance with the adoption of the Chesapeake Bay Act that described the minimum necessary to afford relief as *“inherently a subjective standard that must be considered on a case-by-case basis, taking into account the specifics of a particular request. When considering the minimum necessary to afford relief, things such as the size of the structure, the types of proposed structures, and the placement of the structures in relation to the size, layout and location of the lot or parcel are important considerations.”* Staff adds that given the challenges of this lot; the applicant's Engineer of Record has demonstrated merit towards this exception to the requirements of the CBPA Ordinance situating the proposed single-family residence parallel to the existing topography of the lot and utilizing a retaining wall for the proposed driveway to limit land disturbance within the RPA buffer.
- 4) The variance is in harmony with the purpose and intent of this ordinance and not injurious to the neighborhood, not of substantial detriment to water quality, or otherwise detrimental to the public welfare because *“the purpose and intent of the ordinance is simply water quality, to prevent pollution of the Bay as a result of non-point source pollution. Most of these homes currently have no storm water treatment on site. As a result of this variance request the owner will install bioretention beds, buffer restoration in areas currently devoted to turf and even off-site treatment via the Lynnhaven Oyster Heritage Program all to benefit water quality.”* Staff offers, specific to this variance request, that the totality of this exception begins at the public hearing process and continues through to the conclusion of the construction phase. As such, Staff offers the recommended conditions below as a means to provide adherence to this exception during the construction phase of this variance request.
- 5) *“Strict erosion and sediment control measures do more to halt non-point source pollution, stock piling materials on existing hard surfaces, single point access way and revegetating and denuded areas all help to limit pollution from entering the adjacent waters”* as a means to manage towards a no net increase in nonpoint source pollution load. If properly implemented and maintained, Staff concurs with the statement provided by the applicant's agent and offers additional methods such as a preconstruction meeting prior to the construction of the proposed improvements, specifics with the layout and approval of erosion and sediment control measures, and restricting the alteration of existing topography on the lot.

Given the above comments, Staff recommends the following 21 reasonable and appropriate conditions towards preventing the variance from causing or contributing to a degradation of water quality.

Recommended Conditions

1. A pre-construction meeting shall be held with the CBPA Planning Staff, CBPA Civil Inspector and Engineer of Record collectively prior to any land disturbance, including demolition.

2. A double row of wire reinforced 36-inch silt fence, for erosion and sedimentation control measures, shall be installed prior to any land disturbance and shall remain in place until such time as vegetative cover is established. Said silt fence shall be installed as delineated per the CBPA Variance Exhibit. **Said silt fence shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
3. Construction limits and all construction activities shall be contained within the limits of the delineated silt fence.
4. All areas outside the limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact. Said condition shall be so noted on the site plan and signs posted along the silt fence in the field noting the requirement that "All areas outside limits of construction shall be left in a natural state to include leaving the forest floor (leaf litter) intact. No construction activity permitted seaward of the silt fence."
5. The construction access way, staging area, stockpiling area and contractor parking area shall be noted on the site plan. Said construction access way, staging area, stockpiling area and contractor parking shall be within the delineated construction limits and the number of parking spaces provided for contractor parking noted on the site plan.
6. Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline of any tree or stand of trees to be preserved. These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier. **Said protective barriers shall be staked in the field by the Engineer of Record and reviewed with the Civil Inspector at the pre-construction meeting.**
7. No trees outboard of the silt fence / limits of disturbance as shown on the CBPA Exhibit shall be removed. Any additional requests for tree removal shall be reviewed and approved by the CBPA Board.
8. A certified arborist report shall be provided for review during the site plan review process. Said report shall provide written verification as to the disposition of the residual riparian buffer, those portions of the riparian buffer to be restored, minimal pruning and shoreline maintenance practices. Said arborist report shall provide the necessary requirements to ensure that construction activity is not detrimental to the remaining riparian buffer before, during and after the project is complete.
9. 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.
10. A site plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
11. Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, and turf zones. Said buffer restoration shall be in substantial compliance with the Buffer Restoration Plan provided as a component of the CBPA Exhibit.
12. All remaining pervious area shall be devoted to buffer restoration. Buffer restoration areas shall achieve a full complement of vegetation consisting of canopy trees, understory trees, shrubs and groundcovers consistent

with the Riparian Buffers Modification & Mitigation Guidance Manual, prepared by Virginia Department of Conservation & Recreation, Chesapeake Bay Local Assistance to the greatest extent practicable.

The required restoration shall be maintained and not removed or allowed to revert to turf in the future. The required trees shall be comprised of approximately 50 percent deciduous and 50 percent evergreen species and shall be evenly distributed within the RPA buffer. Salt and flood tolerant plant species shall be planted below the five-foot contour to ensure greater survival of the plantings. Said restoration shall be installed prior to the issuance of the certificate of occupancy or release of the building permit.

13. The Stormwater management shall comply with the requirements set forth within the Code of Ordinances, Appendix D – Stormwater Management.
14. In-lieu of the infiltration trenches shown on the CBPA Exhibit, infiltration wells shall be utilized as a means to manage stormwater and minimize land disturbance within the critical root zones of trees outboard the limits of construction.
15. All proposed stormwater infiltration wells shall be landward of the propose silt fence / limits of land disturbance, as shown on the CBPA Exhibit.
16. The proposed wood deck and covered porches, both front and rear shall be constructed as an open-pile structure with under deck treatment of sand and gravel installed under all structures.
17. The proposed driveway shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval.
18. No perimeter fill is authorized outboard or seaward of the proposed improvements. There shall be no grading or fill material placed below or seaward of the CBPA Exhibit's delineated Top of Bank (TOB) feature.
19. **As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$1,334.89 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City's watersheds, including oyster reefs, oyster beds, or similar related activities that are directly related to restoration or enhancement of oyster habitat in the City.
20. It is the opinion of the Board that the approval granted is the maximum impervious cover the site can support.
21. The conditions and approval associated with this variance are based on the exhibit plan dated March 3, 2020, prepared by Gallup Surveyors and Engineers, signed March 3, 2020 by David R. Butler. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

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

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

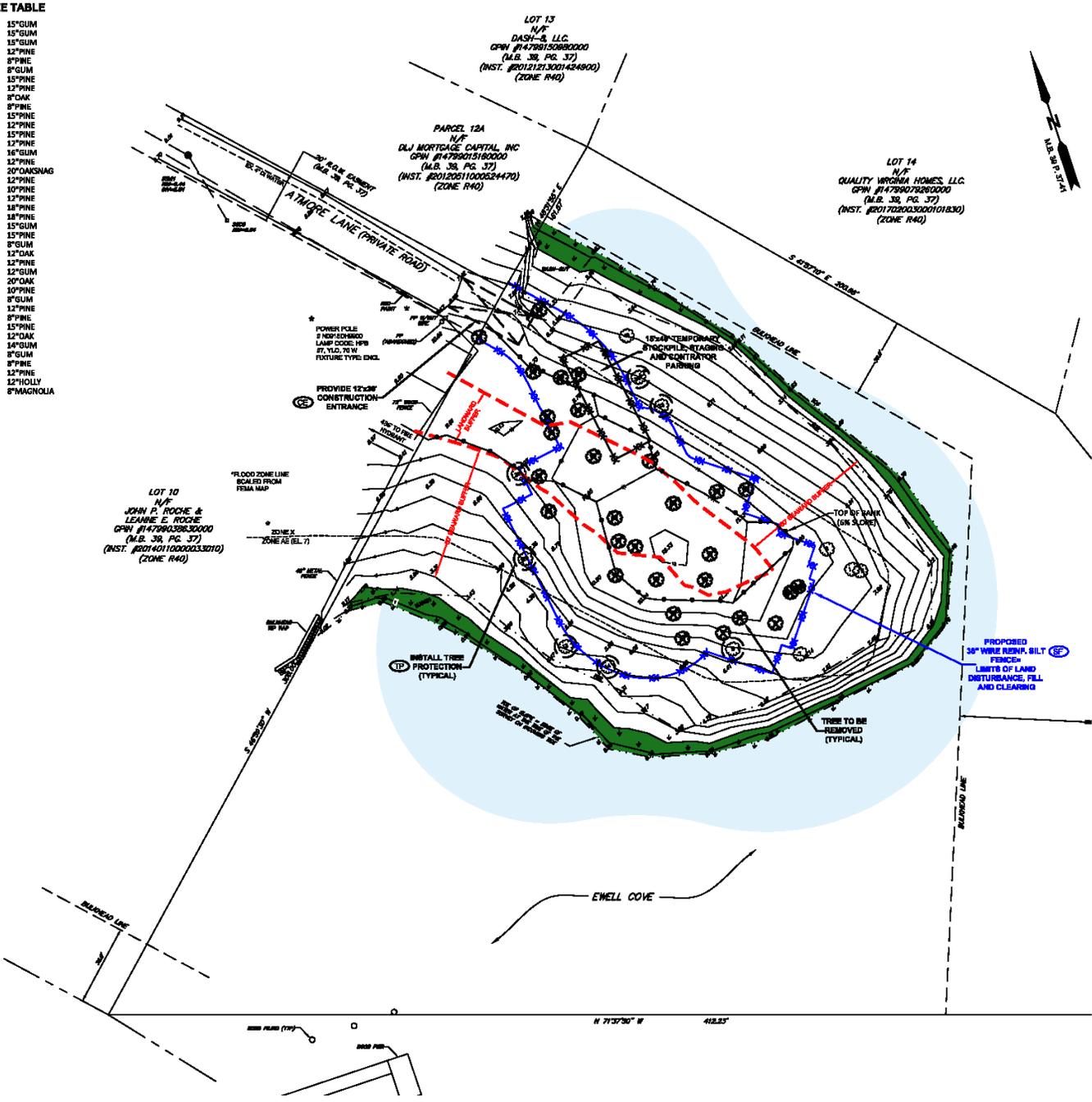
Site Aerial



CBPA Exhibit – Demo and E&S Plan

TREE TABLE

1	15" GUM
2	15" GUM
3	15" GUM
4	12" PINE
5	8" PINE
6	8" GUM
7	15" PINE
8	12" PINE
9	8" OAK
10	8" PINE
11	15" PINE
12	12" PINE
13	15" PINE
14	12" PINE
15	15" GUM
16	12" PINE
17	20" OAKSNAG
18	12" PINE
19	10" PINE
20	12" PINE
21	18" PINE
22	18" PINE
23	15" GUM
24	15" PINE
25	8" GUM
26	12" OAK
27	12" PINE
28	12" GUM
29	20" OAK
30	10" PINE
31	8" GUM
32	12" PINE
33	8" PINE
34	15" PINE
35	12" OAK
36	14" GUM
37	8" GUM
38	8" PINE
39	12" PINE
40	12" HOLLY
41	8" MAGNOLIA





APPLICANT'S NAME Thomas H. Justice III and Virginia P. Justice

DISCLOSURE STATEMENT FORM

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

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

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

SECTION 1 / APPLICANT DISCLOSURE

FOR CITY USE ONLY / All disclosures must be updated two (2) weeks prior to any Planning Commission and City Council meeting that pertains to the application(s).			
<input type="checkbox"/>	APPLICANT NOTIFIED OF HEARING	DATE:	
<input type="checkbox"/>	NO CHANGES AS OF	DATE:	
<input type="checkbox"/>	REVISIONS SUBMITTED	DATE:	

Page 1 of 7



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

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

(A) List the Applicant's name: Thomas and Virginia Justice
If an LLC, list all member's names:

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

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

See next page for information pertaining to footnotes¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

(A) List the Property Owner's name: The Richard B. Abrahamian
Revocable Trust dtd December 7, 1998,
If an LLC, list the member's David Haynos, Trustee
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	Garrell Associates
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	Linda D. Sartin (sister to Virginia Justice)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	Scott Crumley
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	David Butler
<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	Edward Bourdon
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Judy Marsh, Rose & Womble Realty Co.

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

	Thomas H. Justice III and Virginia	3/2/2020
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	Midgett Preti Olansen, PC
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Midgett Preti Olansen PC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Jason Dodd, Remax

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES NO Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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



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<i>David Haynes, Tee, by Ann H. Larkin, his Agent</i>	<i>David Haynes / Ann H. Larkin</i>	<i>3/2/2020</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE



APPLICANT'S NAME Linda D. Sartin

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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: Linda D. Sartin
If an LLC, list all member's names:

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

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

See next page for information pertaining to footnotes¹ and ²

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(A) List the Property Owner's name: The Richard B. Abrahamian Revocable Trust dtd December 7, 1998,
If an LLC, list the member's names: David Haynes, Trustee

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-subsidary¹ or affiliated business entity² relationship with the Property Owner: *(Attach list if necessary)*

¹ "Parent-subsidary 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-subsidary 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	GARBELH ASSOCIATES
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Contract Purchaser (if other than the Applicant) - identify purchaser and purchaser's service providers	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Any other pending or proposed purchaser of the subject property (identify purchaser(s) and purchaser's service providers)	VIRGINIA JUSTICE (SISTER TO LINDA D. SANTO)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Construction Contractors	SCOTT CRUMHAY
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers / Surveyors/ Agents	DAVID BUTKIN
<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	Edward Bourdon
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Judy Mans H, Rose + Womble ARCHIT Co.

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>X</i> <i>Linda D. Sartin</i> APPLICANT'S SIGNATURE	<i>Linda D. Sartin</i> PRINT NAME	<i>3/2/2020</i> 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	Midgett Preti Olansen, PC
<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 checked="" type="checkbox"/>	<input type="checkbox"/>	Legal Services	Midgett Preti Olansen PC
<input checked="" type="checkbox"/>	<input type="checkbox"/>	Real Estate Brokers / Agents/Realtors for current and anticipated future sales of the subject property	Jason Dodd, Remax

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:

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<i>David Haynes, Tee, by Ann H. Larkin, his Agent</i>	<i>David Haynes / Ann H. Larkin</i>	<i>3/2/2020</i>
PROPERTY OWNER'S SIGNATURE	PRINT NAME	DATE

AS NEEDED, PAGE LEFT BLANK



Applicant & Property Owner **Ralph E & Brenda J Knapp**
Address **1000 Curlew Drive**
Public Hearing **June 1, 2020**
City Council District **Lynnhaven**

Agenda Item

8

Variance Request

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

Applicant's Agent

Billy Garrington

Staff Planner

PJ Scully

Lot Recordation

Map Book 18, Page 84

Recorded 12/07/1946

GPIN

2418-34-3085

SITE AREA

47,402 square feet or 1.088 acres

SITE AREA OUTSIDE OF WATER/WETLANDS

44,999 square feet or 1.033 acres

EXISTING IMPERVIOUS COVER OF SITE

7,348 square feet or 16.3 percent of site

PROPOSED IMPERVIOUS COVER OF SITE

11,035 square feet or 24.5 percent of site

Area of Redevelopment in RPA

4,193 square feet

Area of New Development in RPA

6,900 square feet

Location of Proposed Impervious Cover

50-foot Seaward Buffer

50-foot Landward Buffer

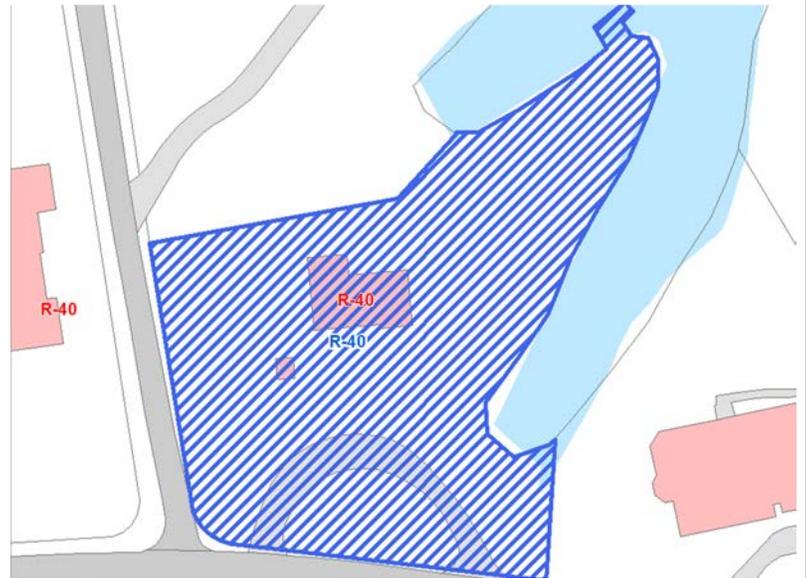
100-foot Variable Width Buffer

AMOUNT OF LAND DISTURBANCE

Greater than 2,500 square feet

Staff Recommendation

Approval as conditioned



Summary of Proposal

Demolition Details

- Complete demolition – all primary and accessory structures to be removed

Construction Details

- Single family residence with associated covered porch
- Steppingstone patio
- Circular driveway with associated parking area and walkway

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)

Yeopim Series (deep and moderately well-drained soils)

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

Shoreline

Shoreline is hardened with rip rap.

Riparian Buffer

Heavily Wooded Lot

- Number of existing canopy trees requested for removal within the RPA: 6
- Evaluation of existing canopy tree removal request: Limits of construction are recommended to be 15 feet outboard of the proposed impervious cover. Trees being requested for removal are within the conditioned limits of construction.

Stormwater Management Methodology

The applicant's agent has stated in the Water Quality Impact Assessment (WQIA) for this variance request that sand and gravel underdeck treatment, infiltration beds and permeable pavers will be provided as best management practices for stormwater run-off mitigation.

Evaluation and Recommendation

The proposed redevelopment of this lot offers a retreat of impervious cover within the 50-foot seaward buffer by approximately 854 square feet. With the proposed retreat, the applicant's Engineer of Record has provided a conceptual buffer restoration plan that depicts restoration of the 50-foot seaward buffer to a naturalized area. Approximately half

of the proposed impervious cover – 5,354 square feet – is located within the 50-foot landward buffer. Of the 5,354 square feet, approximately 2,739 square feet is allocated to redevelopment. The remaining amount of proposed impervious cover is located within the variable width buffer of the RPA.

The applicant's agent provided to Staff that *"the entire buildable area of the property is impacted by the RPA feature and avoidance of the buffer is impossible. The existing home has no stormwater treatment facilities so all of the runoff flows into the surrounding waters. There is a circular driveway the encroaches into the seaward buffer and the new dwelling will relocate the driveway out of the seaward buffer accordingly. The shoreline has previously been hardened and no erosion is evident. There are turf zones right down to the shoreline and the buffer restoration will eliminate a lot of the turf and replace with mulch areas to treat rainwater..."* In addition, 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, *"numerous other homes in the immediate area have been redeveloped in a similar fashion in recent months."* Staff concurs with the applicant's statement and offers that the proposed redevelopment of the lot offers a retreat from the 50-foot seaward buffer.
- 2) Staff offers that the encroachment into the RPA on this lot is not based upon conditions or circumstances that are or have been created or imposed by the applicant, but rather is necessitated by the fact that this lot was platted prior to the adoption of the Chesapeake Bay Preservation Act and the City's CBPA Ordinance, therefore portions of this lot are within the RPA.
- 3) The variance is the minimum necessary to afford relief with *"the home being in keeping with other homes in this waterfront community, only proposing minimal accessory structures which does not include an inground pool, and the lot coverage being 25.5 percent."* Staff acknowledges the statement provided by the applicant's agent and concurs that several lots within this neighborhood have been redeveloped and the size and location of the proposed improvements complement the existing conditions of the lot as situated.
- 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 water quality of the lot, post construction will be much improved over the existing runoff."* Staff offers the recommended conditions below, specifically the buffer restoration requirements and use of a permeable pavement system for portions of the driveway, as a means for the variance request to be in harmony with the purpose and intent of the CBPA Ordinance.
- 5) As a means to manage towards a no net increase in nonpoint source pollution load, *"strict E&S measures during all phases of construction will be in place as the most critical time for erosion to occur is during construction when storm events occur. Existing impervious cover will be used for staging and storage areas."* Staff acknowledges the statement provided by the applicant's agent and has provided specific conditions for this variance request with regard to erosion and sediment control measures, buffer restoration, and stormwater management through structural stormwater management facilities.

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

Recommended Conditions

- 1) A Single-Family RPA Site Plan shall be submitted to the Department of Planning and Community Development, Development Services Center (DSC) for review and approval prior to the issuance of a building permit.
- 2) Submitted concurrent with the site plan shall be a separate planting / buffer restoration plan detailing location, number, and species of vegetation to be installed as per the buffer restoration requirements. The planting / buffer restoration plan shall clearly delineate existing naturalized area (forest floor), planting beds, turf zones and areas of shoreline vegetation to be managed permitting sunlight to interface with tidal fringe marsh.
- 3) Buffer restoration shall be installed equal to 14,274 square feet as shown on the CBPA Exhibit and shall be installed in substantial compliance with the provided Exhibit with **17 canopy trees, 34 understory trees, and 51 small shrubs.**

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

- 4) 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) 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.
- 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) 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.
- 9) Construction limits along the seaward portion of the project shall lie a maximum of 15 feet seaward of improvements. **All areas outside limits of construction shall be left in a natural state to include the forest floor (leaf litter) left intact. Said condition shall be so noted on the site plan.**
- 10) Prior to clearing, grading, demolition or construction, suitable protective barriers, such as safety fencing, shall be erected outside of the dripline **(to the greatest extent practicable)** of any tree or stand of trees to be preserved.

These protective barriers shall remain so erected throughout all phases of construction. The storage of equipment, materials, debris, or fill shall not be allowed within the area protected by the barrier.

- 11) For all trees to be preserved outboard of the limits of construction that are encroached upon, replacement of existing vegetation shall be provided at a 3 to 1 ratio for all unauthorized (damaged or removed) vegetation impacts.
- 12) Permanent and / or temporary soil stabilization measures shall be applied to all disturbed / denuded area(s) prior to a final building inspection or certificate of occupancy. All disturbed or denuded areas shall be stabilized in accordance with the Virginia Erosion and Sediment Control Law and Regulations.
- 13) The proposed drive isle portion of the driveway shall be constructed of a permeable pavement system. A detail of the specific permeable paver system and subbase construction shall be provided site plan submitted to the Development Services Center for review and approval.
- 14) No perimeter fill, other than the minimum necessary to facilitate positive drainage away from the proposed improvements is authorized outboard or seaward of the proposed improvements.
- 15) ** As offered by the applicant, payment shall be made to the Lynnhaven Oyster Heritage Program concurrent with site plan approval. Payment shall be in the amount of \$1,581.25 and is based on 25 percent of the proposed impervious cover within the Resource Protection Area (RPA). Said payment shall be utilized solely for activities that support the restoration or enhancement of oyster habitats in the City's watersheds, including oyster reefs, oyster beds, or similar related activities that are directly related to restoration or enhancement of oyster habitat in the City.
- 16) The conditions and approval associated with this variance are based on the exhibit plan prepared by Gaddy Engineering Services, LLC, signed March 1, 2020 by Michael S. Gaddy. The conditions and approval associated with this variance are based on the Board exhibit prepared by the applicant and presented to the Board, the application submitted and the sworn presentation to the Board.

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

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

Site Aerial



CBPA Exhibit – Color Analysis & Conceptual Buffer Restoration

ANALYSIS OF DEVELOPMENT WITHIN THE CBPA RESOURCE PROTECTION AREA							
	LEGEND	EXISTING	PROPOSED	DIFFERENCE	BUFFER%	RESTORATION REQUIRED	RESTORATION PROVIDED
TOTAL IMPERVIOUS AREA		7,266 SF	11,114 SF	3,818 SF			
IMPERVIOUS COVER DEMOLITION							
IMPERVIOUS CONVERTED TO PERVIOUS		3,062 SF					
IMPERVIOUS COVER TO REMAIN		21 SF	21 SF		0%	0	0
*REDEVELOPMENT NEW OVER OLD		4,193 SF	4,193 SF		0%	0 SF	0 SF
*NEW IMPERVIOUS			6,900 SF		200%	13,800 SF	14,274 SF

 HATCH DENOTES AREA OF LAWN TO REMAIN
 HATCH DENOTES AREA OF BUFFER RESTORATION TOTAL AREA = 14,274 SF
 COLOR HATCH DENOTES EXISTING MULCH OR NATURALIZED AREAS

LANDSCAPING REQUIRED:

BUFFER RESTORATION UNIT = 1 UNIT / 400 S.F.
 TOTAL BUFFER RESTORATION REQ'D = 8,900 S.F.
 NUMBER OF UNITS REQ'D = 6,900 S.F. / 400 S.F. = 17.25 (17)

LANDSCAPING PROVIDED:

17 CANOPY TREES
 34 UNDERSTORY TREES
 51 SMALL SHRUBS





APPLICANT'S NAME Ralph Knapp

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: Ralph Knapp
If an LLC, list all member's names: Brenda Knapp

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

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

See next page for information pertaining to footnotes ¹ and ²

SECTION 2 / PROPERTY OWNER DISCLOSURE

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

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

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

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

Knapp

APPLICANT/OWNER



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

SECTION 4. KNOWN INTEREST BY PUBLIC OFFICIAL OR EMPLOYEE

YES NO

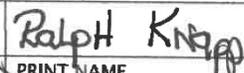
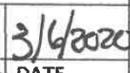
Does an official or employee of the City of Virginia Beach have an interest in the subject land or any proposed development contingent on the subject public action?

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

CERTIFICATION:

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

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<input checked="" type="checkbox"/> 	<input checked="" type="checkbox"/> 	<input checked="" type="checkbox"/> 
APPLICANT'S SIGNATURE	PRINT NAME	DATE