The subject site, zoned AG-1 Agricultural District, is located directly adjacent to Redhead Bay. The property contains a dwelling unit, boathouse and pier, and has been operating as a duck hunting club for many years. The applicant desires to replace the existing boathouse, expand the pier, and add two finger piers to the property. The use of the property as a duck hunting club was a permitted use when the property was developed; however, is no longer permitted in the AG-1 zoning district. Therefore, in order to make the proposed improvements, an application for an expansion to a nonconforming use must be approved by the City Council.

Section 105 of the City Zoning Ordinance regulates nonconforming uses and structures. Section 105(b) states that it is the intent of the Zoning Ordinance to allow nonconformities to continue until they are removed, but not to allow them to become enlarged, expanded, extended, or relocated “except upon a resolution of the City Council authorizing such conversion, based upon its finding that the proposed use is equally appropriate or more appropriate to the district than is the existing nonconforming use.” Accordingly, since the existing use on the property is nonconforming, the proposed renovation and additional piers constitute an enlargement of the use and may only proceed “upon a resolution of the City Council.”
The applicant proposes to demolish the existing boathouse and construct a new boathouse in the same footprint that will accommodate two boats. The existing pier, located to the side of the boathouse, will be replaced, and will extend to the rear and side of the structure. On the northern portion of the site, the existing piles will be replaced and two finger piers will be constructed, thus creating a U-shaped boat dock that will accommodate two additional boats. This request is subject to the approval of a Joint Permit Application which is also currently under review by Federal and State agencies.

LAND USE AND ZONING INFORMATION

EXISTING LAND USE: Duck hunting club with boathouse

SURROUNDING LAND USE AND ZONING:

- North: Marshland / AG-1 Agriculture District
- South: Redhead Bay
- East: Redhead Bay
- West: Redhead Bay

NATURAL RESOURCE AND CULTURAL FEATURES: The site is located in the Southern Rivers Watershed, directly adjacent to Redhead Bay, and is only accessible by water. The site is located in the AE flood zone with a base flood elevation of four feet; however, because the proposed improvements are not enclosed living area, they do not have to be elevated two feet above the base flood elevation.

IMPACT ON CITY SERVICES

City services are not impacted by this request.

EVALUATION AND RECOMMENDATION

The applicant’s request to replace the existing boathouse, replace and extend the pier alongside the boathouse, and to add two piers on the site is reasonable. The proposed renovations and additions are appropriate to the character of the area, and given the remote location of the site, there are not anticipated to be any negative impacts to the surrounding properties. The use of the site will remain the same, and intensity of the use is not expected to be increased. The proposed renovations and expansions will enhance the quality of the site, and; therefore, be a positive improvement to the community.

In sum, Staff recommends approval of this request with the conditions listed below.
CONDITIONS

1. Except as modified by any other condition of this approval or as necessary to comply with applicable City development ordinances and standards or the requirements of the Joint Permit Application, the site shall be developed in substantial conformance with the submitted site plan entitled, “SITE PLAN OF PROPOSED BOATHOUSE & ACCESS PIERS PROJECT, APPLICANT: SHIP CABIN CLUB, 1117 SHIPPS CABIN ROAD, VIRGINIA BEACH, VA 23456,” dated May 13, 2014, prepared by Marine Engineering. Said plan has been exhibited to the City Council and is on file in the City of Virginia Beach Planning Department.

2. Upon approval of this application, the applicant shall obtain all necessary approvals from all applicable federal, state and City agencies.

3. All required permits shall be obtained from the Planning Department, Permits and Inspections Division for the work to be completed on the site.

NOTE: Further conditions may be required during the administration of applicable City Ordinances. Plans submitted with this rezoning application may require revision during detailed site plan review to meet all applicable City Codes and Standards.

The applicant is encouraged to contact and work with the Crime Prevention Office within the Police Department for crime prevention techniques and Crime Prevention Through Environmental Design (CPTED) concepts and strategies as they pertain to this site.
AERIAL OF SITE LOCATION
PROPOSED SITE PLAN

SHIP CABIN CLUB, INC.
Agenda Item 5
Page 6
There has been no activity in the vicinity of this application in the past ten years.
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:

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

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

☐ 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.

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):

<table>
<thead>
<tr>
<th>Application Notified of Hearing Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Changes as of Date</td>
</tr>
<tr>
<td>Revisions Submitted Date</td>
</tr>
</tbody>
</table>
other unincorporated organization. **AND THEN**, complete the following.

(A) List the Applicant's name followed by the names of all officers, directors, members, trustees, partners, etc. below: *(Attach list if necessary)*
Ship Cabin Club, Inc. (applicant): J. Hitch, president;
N. Francis, V. President; C. Oldfield, treasurer; J. Hurd, director; J. Gervickas; S. Miller; E. Phillips; R. Spence; G. Stokes; R. Stokes; W. Tynes; R. Katz

(B) List the businesses that have a parent subsidiary \(^1\) or affiliated business entity \(^2\) relationship with the Applicant: *(Attach list if necessary)*
Red Head Realty Corporation (shared management)

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 followed by the names of all officers, directors, members, trustees, partners, etc. below: *(Attach list if necessary)*
Red Head Realty Corp (property owner): J. Hitch, president;
N. Francis, V. President; C. Oldfield, treasurer; L. Gervickas, secretary; J. Hurd, director; S. Miller; L. Phillips; R. Spence; G. Stokes; R. Stokes; W. Tynes; R. Katz

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

---

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- G. Stokes; R. Stokes; W. Tynes; R. Katz

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

- Red Head Realty Corporation (shared management)

See next page for information pertaining to footnotes ¹ and ²

---

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- G. Stokes; R. Stokes; W. Tynes; R. Katz

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

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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:

<table>
<thead>
<tr>
<th>YES</th>
<th>NO</th>
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<tr>
<th>SERVICE</th>
<th>PROVIDER</th>
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</thead>
<tbody>
<tr>
<td>Accounting and/or preparer of your tax return</td>
<td>Marieh Engineering, LLC</td>
</tr>
<tr>
<td>Architect / Landscape Architect / Land Planner</td>
<td>David Kledzik</td>
</tr>
<tr>
<td>Contract Purchaser (if other than the Applicant) – Identify purchaser and purchaser's service providers</td>
<td></td>
</tr>
<tr>
<td>Any other pending or proposed purchaser of the subject property (identify purchasers and purchaser’s service providers)</td>
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</tr>
<tr>
<td>Construction Contractors</td>
<td></td>
</tr>
<tr>
<td>Engineers / Surveyors</td>
<td></td>
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</tbody>
</table>

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