



**WETLANDS BOARD  
MINUTES**

CITY OF VIRGINIA BEACH  
10:01 AM  
CITY COUNCIL CHAMBER

APRIL 16, 2018

**MEMBERS PRESENT:**

JAMES T. VAIL, VICE CHAIR, ACTING AS CHAIRMAN

NILS S. BAHRINGER  
STEPHEN B. BALLARD  
MOLLY P. BROWN  
JOASHUA SCHULMAN  
CINDY HAWKS WHITE

**MEMBERS ABSENT:**

LEONARD JOHNSON, CHAIRMAN  
PATRICK SHULER

**WETLANDS BOARD  
VIRGINIA BEACH, VIRGINIA  
PUBLIC HEARING MINUTES**

The April, 2018 Public Hearing for the Virginia Beach Wetlands Board was called to order by the Vice Chair, James T. Vail, acting as Chairman, in the City Council Chamber, Virginia Beach, Virginia, at 10:01 AM, April 16, 2018.

Vice Chair James T. Vail, acting as Chairman, welcomed all present, stated the responsible charge of the Wetlands Board, as delineated in the Virginia State Code and announced appeals are available through the Virginia Marine Resources Commission within ten (10) days of this Board's decision.

Approval expires one (1) year from the date it is granted. A permit is normally extended, but not an approval. Applicants are advised to obtain their permit within no more than thirty (30) days of their Hearing. Extensions must be requested before the expiration date.

The Chair acknowledged each applicant and/or agent for the applicant and administered the oath of truth and honor.

The slide presentation for each application site was rendered by Mr. Charles McKenna.

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### SHOW CAUSE HEARING

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**JAMES DINKINS**  
**APPLICATION No. 2017-WTRA-00046**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 3256 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **James Dinkins** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**THOMAS LOW**  
**APPLICATION No. 2017-WTRA-00069**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 3380 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Thomas Low** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**SEA-AIR-AHH PROPERTIES, LLC**  
**APPLICATION No. 2017-WTRA-00011**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 3252 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Sea-Air-Ahh Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**S. WIND, LLC**  
**APPLICATION No. 2017-WTRA-00030**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 3432 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **S. Wind, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**VIRGINIA M. POPE REVOCABLE TRUST  
APPLICATION No. 2017-WTRA-00058**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2612 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Virginia M. Pope Revocable Trust** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**



**GORDON ECHOLS AND CHRISTINE PRYATELY  
APPLICATION No. 2017-WTRA-00079**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 3616 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Gordon Echols and Christine Pryately** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**WILLIAM AND LISA SYLVESTER  
APPLICATION No. 2017-WTRA-00080**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2764 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **William and Lisa Sylvester** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**ROBERT AND SUSAN HENDERSON**  
**APPLICATION No. 2017-WTRA-00088**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2632 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Robert and Susan Henderson** for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**SUNSET VIRGINIA PROPERTIES, LLC**  
**APPLICATION NO. 2017-WTRA-00089**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2476 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Sunset Virginia Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**SUNSET VIRGINIA PROPERTIES, LLC**  
**APPLICATION No. 2017-WTRA-00090**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2816 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Sunset Virginia Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE:** 6 - 0

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**SUNSET VIRGINIA PROPERTIES, LLC**  
**APPLICATION NO. 2017-WTRA-00091**

**PROJECT:** Sand Management - To excavate sand involving a Coastal Primary Sand Dune and Beach

**PROJECT LOCATION:** 2856 Sandfiddler Road, contiguous to Atlantic Ocean

**REQUEST:** Extension of Time

**SPEAKER:** No Speaker

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the request of **Sunset Virginia Properties, LLC**, for a **ONE (1) YEAR EXTENSION OF TIME** was **GRANTED**.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**WILLIAM YEARICK**  
**APPLICATION No. 2018-WTRA-00032**

**PROJECT:** To construct riprap outboard of bulkhead involving wetlands

**PROJECT LOCATION:** 700 Crystal Lane, contiguous to Crystal Lake

**SPEAKER:** FOR – Eric Bartlett, Professional Construction Consultants, LLC

Upon Motion by Mr. Schulman, seconded by Ms. Brown, the application of **William Yearick** was **APPROVED, AS MODIFIED**, WITH THE FOLLOWING CONDITIONS:

1. Debris located on the North side of the shoreline shall be removed and disposed of offsite in a lawful manner.
2. Revised drawings shall depict site access to the shoreline from both sides of the house; however, a note shall be added to the drawings stating that work will be completed on one side of the property and the area stabilized before moving to the other side of the property. Limits of disturbance, as well as existing trees with tree protection areas shall be shown. Any trees removed shall be mitigated at a 1:1 ratio.
3. Revised plans shall be submitted to the VMRC and ultimately approved by the Department of Planning and Community Development prior to the issuance of a building permit.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING:**

**SANFORD DOWDY, III  
2018-WTRA-00001**

**SHOW CAUSE HEARING**

**VIOLATION:** Unauthorized retaining wall construction and infill without Permit

This activity constitutes a violation of Appendix A, Article 14, of the Code of the City of Virginia Beach and Chapter 13, Title 28.2, of the Code of Virginia.

**LOCATION:** 3409 Sandpiper Road, contiguous to North Bay

**SPEAKER:** None

At 10:16 a.m. the Board took a brief recess until 10:23 a.m.

Sanford Dowdy, III, was not present for this Show Cause Hearing.

Mr. Schulman moved that **Sanford Dowdy, III**, be found in Violation and requested that the following findings be incorporated into his motion:

1. The testimony presented in this Hearing indicates that the activity, unauthorized retaining wall construction and infill without Permit, conducted by Mr. Sanford Dowdy, III, at 3409 Sandpiper Road, which is the subject of this Show Cause action, constitutes a violation of the provisions of the Wetlands Zoning Ordinance.
2. Based on the testimony of Staff, the environmental impact to wetlands resource is minimal.

Ms. Brown seconded the motion.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING**



**SANFORD DOWDY, III**  
**SHOW CAUSE HEARING**  
**PAGE 2**

Mr. Schulman moved that based on the major degree of deviation and noncompliance with respect this application that a civil charge of \$3,000 be imposed on **Sanford Dowdy, III**, pursuant to Section 1418(b) of the Wetlands Zoning Ordinance. This civil charge shall be paid by certified check or cashiers check, payable to the Treasure of the City of Virginia Beach, and delivered to the Office of the City Attorney no later than ten (10) days from April 16, 2018, together with an executed Memorandum of Agreement acknowledging the violation and consent to the imposition of a civil charge. Payment of the civil charge shall be in lieu of any civil penalty that may be imposed by the Circuit Court with respect to the violation which is the subject of this Show Cause and in addition to any cost of restoration that may be ordered by this Board.

Ms. Brown seconded the motion.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING**

**SANFORD DOWDY, III**  
**SHOW CAUSE HEARING**  
**PAGE 3**

Mr. Schulman moved that **Sanford Dowdy, III**, is hereby ordered to appear at a Restoration Hearing to be held on June 18, 2018, for entry of a Restoration Order pursuant Section 1414(d) of the Wetlands Zoning Ordinance. Failure to appear at the Restoration Hearing constitutes a separate violation. In the event that Mr. Sanford Dowdy, III, refuses to accept or fails to pay the civil charges set forth herein or fails to appear at the Restoration Hearing as set forth herein, the City Attorney is hereby directed to institute legal proceedings against **Mr. Sanford Dowdy, III**, in the Circuit Court of the City of Virginia Beach and to pursue any and all remedies available under the Wetlands Zoning Ordinance, including, but not limited to, civil penalties.

Ms. White seconded the motion.

**VOTE: 6 - 0**

**MEMBERS VOTING AYE:**

Nils S. Bahringer, Stephen B. Ballard, Molly P. Brown, Joashua Schulman,  
James T. Vail and Cindy Hawks White

**MEMBERS VOTING NAY:**

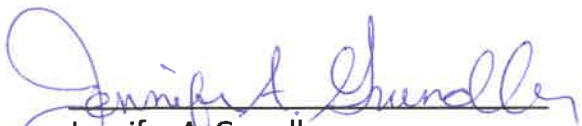
**MEMBERS ABSENT:**

Leonard Johnson and Patrick Shuler

**MEMBERS ABSTAINING**


At 10:50 AM, the April 16, 2018, Public Hearing of the Virginia Beach Wetlands Board was adjourned by Vice Chair James T. Vail, acting as Chairman.

The comments of the Planning Department are on file with the City of Virginia Beach Planning Department.



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Jennifer A. Grundler  
Deputy City Clerk II



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James T. Vail  
Vice Chair, acting as Chairman, Wetlands Board