

The Chesapeake Bay Preservation Area Board
Planning Department
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MINUTES

**Chesapeake Bay Preservation Area
Board**

May 17, 2017 – 6:00 PM

Human Resources Training Room

Call to Order: Chair Vickie Greene called the Chesapeake Bay Preservation Board meeting of May 17, 2017, to order at 6:00 p.m. in the Human Resources Training Room.

Roll Call:

PRESENT

Vickie Greene, Chair
Stephen F. Nowak, Vice-Chair
Henry Curling, Member
William Spaur, Member
Chris Wilson, Member
Rusty Barath, Member
John A. Sherman, Member
John Klesch, Alternate Member

PLANNING DEPARTMENT STAFF PRESENT

Michael Anaya, CBPA Planner
Jennifer Joseph, CBPA Recording Secretary

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The April 19, 2017 CBPA Board minutes were presented into the record for Board action.

CBPA BOARD ACTION:

MINUTES for the April 19, 2017, CBPA Board were APPROVED.
(4-0; Spaur/Nowak, Wilson, Barath, Sherman, and Curling abstained)

CBPA BOARD VOTE:

Dr. Spaur moved that the **MINUTES** for the **April 19, 2017 CBPA Board meeting** be **APPROVED**. Mr. Nowak seconded the motion. The motion was carried by a vote of 4 – 0; Wilson, Barath, Sherman, and Curling abstained.

CBPA APPLICATION:

1. **PLN-CBPA-2017-015**

PROJECT/LOCATION: New Garage/584 Longdale Crescent

APPLICANT: Cassius Wilkins

PROPOSAL: In accordance with Section 26-528 of the Chesapeake City Code, the applicant is seeking an **EXCEPTION** to demolish an existing shed and construct a new 900 SF garage within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. A total of 5,639 SF of post-development impervious area is proposed (3,487 SF within RPA).

SUBDIVISION/LOT #: 133 Georgetown East Sec 1

WATERSHED: Eastern Branch of the Elizabeth River

TAX MAP SECTION/PARCEL: 0192001001330

CBPA BOARD ACTION:

The **CBPA Board APPROVED** (7-0; Wilson/Curling) **PLN-CBPA-2017-015** with the following stipulations:

1. **Remove the three (3) existing, unauthorized structures that lie within the 50-foot seaward portion of the 100-foot RPA buffer to include:**
 - Existing storage shed;
 - Existing greenhouse; and
 - Existing clubhouse
2. **Provide one (1) large canopy tree within the RPA to mitigate the impact of the proposed detached garage within the RPA. Per City of Chesapeake Code Sec. 26-520(b)(3), the RPA landscaping requirement is a minimum fifty (50) percent tree canopy coverage, calculated in accordance with the CBPA Specifications Manual. See Appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**

Staff Presentation:

Mr. Anaya presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. He presented pictures of the site at 584 Longdale Crescent. He stated the applicant seeks an **EXCEPTION** to demolish an existing 311 SF shed and construct a new 900 SF detached garage within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed

post-development impervious area is 5,639 SF with 3,487 SF of which lies within the RPA buffer.

This application was initially reviewed by the CBPA Review Committee on March 21, 2017. The application was continued pending the submittal of additional information and revisions. After submittal of the requested additional information and revisions, the application was reviewed by the CBPA Review Committee again on April 4, 2017. The CBPA Review Committee granted an after-the-fact approval for the existing koi pond and surrounding deck area with the stipulation that the applicant provide 1 small canopy tree within the RPA to mitigate the impact of the existing koi pond and surrounding deck area within the RPA. Additionally, based on the CBPA Review Committee's findings, it is recommended that the exception requested in application PLN-CBPA-2017-015 be granted with the stipulations that the three existing, unauthorized structures that lie within the 50-foot seaward portion of the 100-foot RPA buffer be removed, and that the applicant provide 1 large canopy tree within the RPA to mitigate the impact of the proposed detached garage within the RPA.

Proponent:

Cassius Wilkins, 584 Longdale Crescent, Chesapeake, Virginia, appeared before the Board on behalf of PLN-CBPA-2017-015 representing himself.

Board Discussion:

Ms. Greene asked when the house was built. Mr. Wilkins stated the house was built in early 1970's.

Mr. Wilson asked Mr. Anaya how confident he is with the survey due to some previous issues with surveys particularly with the RPA lines. Mr. Anaya stated that he has visited the site and is confident that the RPA lines shown on the submitted plan are accurate.

Ms. Greene asked if there was a garage attached to the house and if Mr. Wilkins was planning on driving vehicles back to the proposed garage. Mr. Wilkins stated that he probably would drive back to the proposed garage because he is a self-employed contractor, and he has a truck and trailer parked on the street. He plans to park it in the back when not using it. Ms. Greene asked if he was going to put gravel down to access the proposed garage. Mr. Wilkins stated that right now he would put gravel down but he really would like to put concrete down for the driveway. Ms. Greene stated that he will need to show any proposed driveway on this application because it will change the impervious area calculations. Mr. Wilkins stated that is not something he will be doing right away, but it may be a future project. He also stated that will not be driving on it every day.

To clarify, Mr. Anaya asked Mr. Wilkins if he is proposing a driveway at this time. Mr. Wilkins said no.

Ms. Jacobi asked Mr. Wilkins if the vehicles he was parking in the proposed garage were his contracting vehicles. Mr. Wilkins stated he has one truck he was planning on parking in the garage. Ms. Jacobi asked what type of truck he owns. Mr. Wilkins stated he has a Ford Ranger. Ms. Jacobi informed Mr. Wilkins what the zoning ordinances allow within a residential district regarding commercial vehicles being parked at a residence. Mr. Wilkins asked for clarification on what qualifies as a commercial vehicle. Ms. Jacobi stated that if there is a graphic, a trailer, or if it is a box truck or a truck with a trailer and/or equipment, then it could be considered a commercial vehicle and he will need to comply with the ordinance.

Mr. Wilson asked if the removal of the greenhouse, club house, and shed was already planned or being considered because of the after the fact issue. Mr. Wilkins stated that removal of the club house was part of the plan and due to limited space he needs to remove the greenhouse as well.

Ms. Greene asked if the area behind the garage is tidal and if it floods. Mr. Wilkins said since he has been there since 2001, he has not had any flooding issues. Mr. Anaya stated that there is a steep drop-off behind the shed which slopes down into the woods.

Mr. Nowak asked if the property lines are on the left and right and asked if the attached garage is still usable. Mr. Wilkins stated yes. Mr. Anaya asked if there was enough room to the left side of the house for a vehicle to access the backyard. Mr. Wilkins responded yes.

Ms. Greene asked if he was going to cut down any trees. Mr. Wilkins said no.

Mr. Anaya stated that the proposed garage will not encroach any further back than the rear corner of the existing shed. The proposed detached garage will be wider than the existing shed, but it will not affect any existing vegetation in the area.

Mr. Nowak stated that the proposed garage is significantly larger than his truck and asked what other uses are planned for it. Mr. Wilkins stated he is a contractor and plans to put equipment and materials into the garage, and it is not intended for vehicle storage.

Mr. Nowak asked Ms. Jacobi about commercial business in residences within the zoning ordinances. Ms. Jacobi stated that a home based business in a residential district allows an office within the primary structure. Ms. Jacobi stated that it is not a concern for the Board, but storing contracting equipment at your home may not comply with the zoning ordinances. Mr. Nowak stated to Mr. Wilkins that he asking these questions so he can be made aware of potential issues.

Mr. Anaya asked Mr. Wilkins if he submitted a building permit before he came through the CBPA process. Mr. Wilkins said yes.

Ms. Jacobi asked Mr. Wilkins if he still wishes to pursue the application even if he cannot keep his contracting equipment inside the garage. Mr. Wilkins said yes.

Mr. Wilson asked where the trees will be planted on the property. Mr. Wilkins stated he was thinking when he moves the play house, he would plant the trees in that area. Mr. Wilson asked Mr. Anaya whether that would be acceptable. Mr. Anaya said yes.

Mr. Wilson asked if the existing shed was permitted. Mr. Anaya stated no.

Mr. Wilson asked how many buildings he built on the property. Mr. Wilkins stated that the existing shed and greenhouse were already there when he bought the property, but he added the clubhouse and pond.

CBPA BOARD VOTE:

Mr. Wilson moved to approve **PLN-CBPA-2017-15** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report including the conditions and stipulations recommended by the Review Committee in the report. Mr. Curling seconded the motion. The motion was carried by a vote of 7 – 0.

OTHER BUSINESS:

- Mr. Anaya provided an update on restoration of Ruffin Ricks Street parcels.
- Discussion regarding multiple solutions for follow-up inspections on previously approved applications.

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:56 P.M.

Sincerely,

Jennifer Joseph,
Recording Secretary