

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – December 16, 2020 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Chris Wilson called the Chesapeake Bay Preservation Area (CBPA) Board meeting of December 16, 2020, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Chris Wilson, Chair
Henry Curling, Vice-Chair
Vickie Greene, Member
Kaite James, Member
John Klesch, Member
Cristan Connito, Alternate Member
Karen Toida, Alternate Member

EXCUSED

Stephen F. Nowak, Member

PLANNING DEPARTMENT STAFF PRESENT

Ethan Hoar, CBPA Planner
Gilbert Bostwick, Current Planning Administrator
Lewis Martinez, CBPA Recording Secretary

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The November 18, 2020, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the November 18, 2020 CBPA Board were APPROVED by unanimous consent (Greene/Toida).

CBPA APPLICATION:

- PLN-CBPA-2020-051**
PROJECT/LOCATION: 1401 Deep Creek Boulevard
APPLICANT: Robin Scott
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a mobile home within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,152 SF (896 SF in RPA).
SUBDIVISION/LOT #: Geneva Mobile Home Park / Lot 111
WATERSHED: Southern Branch of the Elizabeth River
TAX MAP SECTION/PARCEL: 0256001001110
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CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2020-051 with the following stipulations:

- Provide one (1) large canopy tree (LCT) in the RPA to mitigate the impact of the proposed additional impervious area within the RPA. Per Sec. VII(B) of the Chesapeake Bay Preservation Area Ordinance Specifications Manual, the tree canopy coverage requirement for encroachment into the RPA buffer is fifty percent (50%). See Appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**
 - No existing trees are to be removed during the installation process. If any trees are damaged or removed they shall be replaced in kind on a 1:1 ratio.**
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Staff Presentation:

Mr. Hoar presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. Pictures of the site at 1401 Deep Creek Boulevard were presented. The Board was informed that the applicant is seeking an approval to construct a mobile home within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The CBPA Review Committee reviewed this application on November 17, 2020, and recommended approval with a stipulation that the applicant provide one large canopy tree in the RPA to mitigate the impact of the proposed additional impervious area within the RPA. The lot was recorded in 1981.

Proponent:

Robin Scott, Geneva Mobile Home Park, 1401 Deep Creek Boulevard, Lot 111, Chesapeake, Virginia, applicant. Ms. Scott stated that there will be a brand new mobile home placed on the site and will the lot will be sold after the project is complete. She stated the stipulated tree has been ordered and will be planted in the seaward buffer of the RPA.

Board Discussion:

Ms. Greene requested confirmation that the lot previously had a mobile home on the site.

Mr. Hoar stated had a mobile home on site in 2016 and the applicant is requesting that a similar footprint be used.

Ms. Toida questioned the square footage of the new mobile home compared to the previous home.

Mr. Hoar stated that the new mobile home has a measurement of 72' x 16', however, he did not have the square footage of the previous home. He stated he used measuring tools on the aerial image and found the previous mobile home had similar measurements to the proposed mobile home.

Chairman Wilson questioned if the 186 square feet of impervious area included the concrete pad shown on the site plan.

Mr. Hoar stated that it includes the concrete pad, but not what is included in the right-of-way. He stated the majority of the pad will be located under the mobile home.

Chairman Wilson Questioned if the trees shown on the site plan are existing trees or proposed trees.

Mr. Hoar stated they are existing trees, however, the stipulated tree is not shown on the site plan.

Ms. Greene stated it is a pre-existing lot and the mobile home will be placed in the original footprint while attempting to keep out of the 50-foot Seaward buffer.

Ms. Greene made a motion to approve the application based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report.

Ms. Toida requested that a stipulation be added to ensure that the existing trees not be removed during the installation of the mobile home.

Ms. Greene amended her motion to include that the existing trees not be removed during the installation of the mobile home. Any trees damaged or removed must be replaced in a 1:1 ratio.

CBPA BOARD VOTE:

Ms. Greene moved to **APPROVE PLN-CBPA-2020-051** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report, with the added stipulation that no existing trees are to be removed during the installation process. If any trees are damaged or removed they shall be replaced on a 1:1 ratio. Vice Chairman Curling seconded the motion. The motion was carried by a vote of 7 – 0; Nowak excused.

CBPA APPLICATION:

2. **PLN-CBPA-2020-052**

PROJECT/LOCATION: 1765 Rockwood Drive

APPLICANT: Kim Eung

AGENT: Rodney Flores, P.E.

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a single family home and driveway within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 2,593 SF (2,593 SF in RPA).

SUBDIVISION/LOT #: Parkview Block 4 Section 2 / Lot 4

WATERSHED: Southern Branch of the Elizabeth River

TAX MAP SECTION/PARCEL: 0344002003280

CBPA BOARD ACTION:

The CBPA Board **APPROVED THE EXCEPTION** requested in PLN-CBPA-2020-052 with the following stipulations:

1. **Provide thirteen (13) large canopy trees (LCT) and one (1) small canopy tree in the RPA to mitigate the impact of the proposed additional impervious area within the RPA. Existing trees may count towards this requirement. Per Sec. VII(B) of the Chesapeake Bay Preservation Area Ordinance Specifications Manual, the tree canopy coverage requirement for encroachment into the RPA buffer is fifty percent (50%). See Appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**

2. A city standard concrete entrance and the two (2) nine (9) by eighteen (18) feet required parking spaces shall be installed.

Staff Presentation:

Mr. Hoar presented the application to the Board, along with the CBPA Review Committee's findings and recommendations. Pictures of the site at 1765 Rockwood Drive were presented. The Board was informed that the applicant is seeking an approval to construct a single family home and driveway within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The application had been previously approved on December 17, 2014 and November 15, 2017. The CBPA Review Committee reviewed this application on November 10, 2020, and recommended approval. The lot was recorded in 1953.

Proponent:

Rodney Flores, Pinnacle Group, 445 Battlefield Boulevard, Chesapeake, Virginia, agent. Mr. Flores confirmed that there has not been a house on the lot before. He stated that they have come before the board seeking an approval for the application because various situations have prevented the property owner from completing construction of the house. Mr. Flores stated the proposed house is similar to the houses in the neighborhood. He stated the proposed trees will help in filtering water and will improve water quality compared to what is on site now.

Eung Kim, 1749 Rockwood Drive, Chesapeake, Virginia, applicant. Mr. Kim stated he did not wish to comment on the application, but would be available for questions.

Board Discussion:

Ms. James questioned if there had been a previous house on the property.

Mr. Hoar stated he did not find a house on the property using aerial photography, but the question could be answered by the applicant.

Ms. Greene questioned if the proposed house is the same footprint compared to the previous applications.

Mr. Flores stated it is similar in size to the previous approved site plans.

Ms. Greene stated that the homes in the neighborhood have been approved within the last ten years. She stated the proposed application is similar to previously approved houses in the neighborhood. Ms. Greene stated the application has in its favor the previously approved applications, the lot was platted in 1953, it is not completely in the 50-foot seaward buffer and it is similar to the surrounding houses.

Ms. Connito questioned if the driveway can be constructed out of pervious material and shortening the length of the driveway would be beneficial for this application as it has been done on other applications prior to approval.

Ms. Greene stated that this application is not fully in the 50-foot seaward buffer so the driveway does not have to be shortened as like what was done in previous applications.

Mr. Flores stated that a pervious drive can become unstable because water could stay on the surface of the driveway.

CBPA BOARD VOTE:

Mr. Klesch moved to **APPROVE PLN-CBPA-2020-052** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Ms. James seconded the motion. The motion was carried by a vote of 7 – 0; Nowak excused.

OTHER BUSINESS:

- **Election of Officers**
 - a. Chair: Christopher Wilson
 - b. Vice Chair: Henry Curling

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:40 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh