

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – September 20, 2023 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Weckworth called the Chesapeake Bay Preservation Board meeting of September 20, 2023, to order at 6:00 p.m. in the City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chair
Kimberly Koelsch, Vice Chair
John Klesch, Member
Jillian Sunderland, Member
Chris Wilson, Alternate Member
VACANT, Alternate Member

EXCUSED

Victoria Thomas, Member
Karen Toida, Member
Rick Underhill, Member

PLANNING DEPARTMENT STAFF PRESENT

Ethan Hoar, CBLP, CBPA Planner
Sherry Carawan CBPA Recording Secretary
Gilbert Bostwick, AICP, Current Planning Administrator

CITY ATTORNEY STAFF PRESENT

Joshua Johnson, Assistant City Attorney

APPROVAL OF MINUTES:

The July 19, 2023, CBPA Board minutes were presented into the record for Board action.

CBPA BOARD ACTION:

MINUTES for the July 19, 2023, CBPA Board were APPROVED by unanimous consent.
(Thomas, Toida, and Underhill excused)

CBPA APPLICATION:

1. **PLN-CBPA-2023-014**

PROJECT/LOCATION: 2865 Martins Point Way

APPLICANT/OWNER: Milton and Sandra Brown

AGENT: Hassell & Folkes, P.C.

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a swimming pool within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 845 square feet (SF) (809 SF in RPA).

SUBDIVISION/LOT #: Martins Point / Lot 24

WATERSHED: Western Branch of the Elizabeth River

TAX MAP PARCEL: 0101016000240

CBPA BOARD ACTION:

The CBPA Board DENIED THE EXCEPTION requested in PLN-CBPA-2023-014 (4 - 1;
Wilson/Sunderland, Thomas, Toida, and Underhill excused)

Staff Presentation:

Mr. Hoar read PLN-CBPA-2023-014 into the record for the Board's review and action. Mr. Hoar presented the CBPA Review Committee's findings and recommendations and presented pictures of the site.

Proponent:

Mr. Lynn Evans, 870 Greenbrier Circle, Chesapeake, Virginia, Hassell & Folkes, agent. Mr. Evans provided background information and will stand by for questions.

Mr. Milton Brown, 2865 Martins Point Way, Chesapeake, Virginia, applicant. Mr. Brown provided background information and will stand by for questions.

Board Discussion:

Mr. Wilson asked about where it was legal for a property owner to drain their pool. Mr. Johnson stated that he didn't know of a city ordinance that would specify where pools are intended to drain, but Ms. Sunderland stated the stormwater ordinance speaks to the drainage of pools and that dechlorinated discharges into the stormwater system are allowed.

Mr. Wilson asked if there was any consideration of providing an additional access from the house to the pool if the pool was to be moved to the other side of the house near the driveway. Mr. Evans stated that there was not a consideration as there is currently a garage door and side door located on that side of the house.

Ms. Sunderland stated she recognized that three (3) pools had been previously approved in the Martins Point neighborhood. She stated the difference between those requests and this request was that those exceptions were able to achieve partial encroachment into the landward RPA. In all three applications most of the impervious area was moved out of the RPA. The exception request for this pool is 95 percent in the 50-foot landward buffer.

Mr. Wilson made a motion to deny the application because the facts presented do not support the findings required to grant an exception to the CBPA Ordinance and that the requested exception is not the minimum necessary to afford relief. Ms. Sunderland seconded the motion.

CBPA BOARD VOTE:

Mr. Wilson moved to **DENY THE EXCEPTION requested in PLN-CBPA-2023-014**. Ms. Sunderland seconded the motion. The motion was carried by a vote of (4 – 1). Board member John Klesch voted against the motion. Board members Thomas, Toida and Underhill were excused.

OTHER BUSINESS:

There was no other business discussed at the meeting.

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:35 P.M.

Sincerely,

Sherry Carawan,
Recording Secretary

EH/sc

APPROVED: October 18, 2023