

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – June 16, 2021 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Bruce Weckworth called the Chesapeake Bay Preservation Area (CBPA) Board meeting of June 16, 2021, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chair
Kimberly Koelsch, Vice Chair
Kaite James, Member
Jillian Sunderland, Member
Victoria Thomas, Member
Karen Toida, Member
Rick Underhill, Alternate Member

EXCUSED

John Klesch, Member
Chris Wilson, Alternate Member

PLANNING DEPARTMENT STAFF PRESENT

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

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The May 19, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the May 19, 2021 CBPA Board were APPROVED by unanimous consent.

CBPA APPLICATION:

- PLN-CBPA-2021-010**
PROJECT/LOCATION: 1507 Odman Drive
APPLICANT: Valorie and Chris Lacey
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a swimming pool and pool house within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,315 SF (1,315 SF in RPA).
SUBDIVISION/LOT #: Dock Landing / Lot 37
WATERSHED: Western Branch of the Elizabeth River
TAX MAP PARCEL: 0154001000370
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CBPA BOARD ACTION:

The CBPA Board **APPROVED THE EXCEPTION** requested in PLN-CBPA-2021-010 as submitted for a period of two years with the following stipulations:

- The pool house will not be permitted and shall be removed from the site plan.**
 - The submitted landscape plan titled, “CBPA Exhibit 2”, dated April 1, 2021 prepared by Painted Fern Landscape Architecture, be amended to depict the current area labeled as “proposed areas of planting & CBPA mitigation landscape” be converted into one (1) contiguous mulched planting bed where the proposed vegetation will be planted as shown on CBPA Exhibit 2.**
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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 1507 Odman Drive were presented. The Board was informed that the applicant is seeking an approval to construct a swimming pool and pool house within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. He stated a previous application for a pool had previously been to the CBPA board on November 18, 2020 and was denied. The CBPA Review Committee reviewed this application on May 4, 2021, and recommended approval of the application with the following stipulations: the pool house will not be permitted and shall be removed from the site plan and the submitted landscape plan titled, "CBPA Exhibit 2", dated April 1, 2021 prepared by Painted Fern Landscape Architecture, be amended to depict the current area labeled as "proposed areas of planting & CBPA mitigation landscape" be converted into one (1) contiguous mulched planting bed where the proposed vegetation will be planted as shown on CBPA Exhibit 2. The lot was recorded in 1999.

Proponent:

Brad Martin, 824 West 21st Street, Norfolk, Virginia, Agent. Mr. Martin stated that the plan put before the board is much more sustainable than previous applications. He stated the owner is looking to use the pool and pool house for entertaining and is not a detriment to the Chesapeake Bay. Mr. Martin stated there will be a bio retention bed along the pool to collect additional pollutants that would have run off into the Chesapeake Bay.

Board Discussion:

Ms. Toida Questioned if there are any large canopy trees on the property.

Mr. Hoar stated that there are five large canopy trees on the property.

Mr. Underhill questioned if the large canopy trees were to remain on the property.

Mr. Hoar stated that they would remain on the property.

Ms. Toida questioned if the existing vegetation would be protected during the building process.

Mr. Hoar stated that it is required that the existing vegetation be protected.

Ms. Sunderland questioned if the backyard is a plant mulching bed will the plants be moved or will they be placed as shown.

Mr. Hoar stated that the plantings will not be moved.

Ms. Thomas questioned if the health of the current trees is known.

Mr. Hoar stated that the trees are healthy.

Ms. Toida questioned if there was a fence on the property.

Mr. Hoar stated that a fence is required, however, it is an exempt item from the CBPA.

Ms. Toida questioned if the property would have to increase the slope for building the pool.

Mr. Martin clarified that the slope would not be increased and besides the pool, there is not much land movement.

Ms. Koelsch questioned if there was any consideration to install impervious pavers instead of a closed roof pool house.

Mr. Martin stated that the pool house is better suited to the owners needs along with the pool.

Ms. Koelsch questioned if the previous approved canopy coverage is still in effect or since this is a new application it is no longer viable.

Ms. Jacobi stated that per the CBPA ordinance, the additional canopy coverage can still be acted on for this application.

CBPA BOARD VOTE:

Ms. Toida moved to **DENY PLN-CBPA-2021-010** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. The motion was not seconded.

CBPA BOARD VOTE:

Ms. James moved to **APPROVE PLN-CBPA-2021-010** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Ms. Sunderland seconded the motion. The motion was carried by a vote of 6 – 1; Toida opposed, Klesch and Wilson excused.

OTHER BUSINESS:

Approval of CBPA Board By-Laws (Thomas/Koelsch).

ADJOURNMENT:

With no further business, the meeting was adjourned at 6:48 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh