

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – September 15, 2021 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Bruce Weckworth called the Chesapeake Bay Preservation Area (CBPA) Board meeting of September 15, 2021, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chair
Kimberly Koelsch, Vice Chair
Kaitlyn James, Member
John Klesch, Member
Jillian Sunderland, Member
Victoria Thomas, Member
Karen Toida, Member

EXCUSED

Rick Underhill, Alternate 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

Ellen Bergren, Assistant City Attorney

APPROVAL OF MINUTES:

The August 18, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the August 18, 2021 CBPA Board were APPROVED by unanimous consent.

CBPA APPLICATION:

- PLN-CBPA-2021-030**
PROJECT/LOCATION: 1510 Bateau Landing
APPLICANT: Alvonda Evans
AGENCY: Hassell & Folkes
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a fire pit, gazebo and paver patio within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,529 SF (1,529 SF in RPA).
WATERSHED: Western Branch of the Elizabeth River
TAX MAP PARCEL: 0154003000160
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CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-030 for a period of two years with the following stipulations:

- Two (2) large canopy trees (LCT) and two (2) small canopy trees (SCT) shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development. See appendix A of the Chesapeake Landscape Specifications Manual for recommended tree species.**
 - A three (3) foot wide by thirty (30) foot long planting bed shall be placed directly east of the existing fence and run parallel to the gazebo. The planting bed shall consist of ten (10) native shrubs.**
 - The proposed pavers located to the south of the gazebo shall be removed from the site plan and that area shall be restored to turf grass.**
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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 1510 Bateau Landing were presented. The Board was informed that the applicant is seeking an approval to construct a fire pit, gazebo, and paver patio within the 50-foot landward and 50-foot seaward portions of the 100-foot RPA buffer. The CBPA Review Committee reviewed this application on August 3, 2021, and recommended approval of the application with the following stipulations: two (2) large canopy trees (LCT) and two (2) small canopy trees (SCT) shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development, a planting bed consisting of an additional 1,200 square feet (SF) of vegetation shall be placed to the west of the proposed fire pit within the confines of the existing fence and a three (3) foot wide by thirty (30) foot long planting bed shall be placed directly north of the existing fence and run parallel to the gazebo. The planting bed shall consist of ten (10) native shrubs. The lot was recorded in 2002.

Proponent:

Alvonda Evans, 1510 Bateau Landing Chesapeake, Virginia, Applicant. Ms. Evans stated that the contractor she hired had assured her all the correct permits had been received for the project, however, she did receive a Stop Work Order from the City and a notice from her Home Owners Association.

Board Discussion:

Ms. Toida questioned why the pavers on the right side of the gazebo

Mr. Hoar stated that the Review Committee did not bring that up during their review, however, the Board can add that stipulation.

Mr. Klesch asked if the applicant was cooperative after the Stop Order was issued and if a violation had occurred.

Mr. Hoar Stated the applicant has been very cooperative after the Stop Order was issued and if the Board denied the request, the applicant will come before the Board next month for the violation.

Ms. Toida questioned the applicant if she would be willing to reduce the amount of pavers used on the project.

Ms. Evans stated she would be willing to reduce the amount of pavers if that would be a point of approval from the Board.

Ms. Sunderland stated there should also be an increase of plantings parallel to the fence in addition to the reduction of pavers.

CBPA BOARD VOTE:

Mr. Klesch moved to **APPROVE PLN-CBPA-2021-030** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Ms. Toida seconded the motion. The motion was carried by a vote of 7 – 0; Underhill and Wilson excused.

CBPA APPLICATION:

2. **PLN-CBPA-2021-031**

PROJECT/LOCATION: 2876 Martin's Point Way

APPLICANT: ABT Custom Homes

AGENCY: Hassell & Folkes

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a pool and concrete patio within the 50-foot landward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 935 SF (640 SF in RPA).

WATERSHED: Western Branch of the Elizabeth River

TAX MAP PARCEL: 0101016000200

CBPA BOARD ACTION:

The CBPA Board DENIED THE EXCEPTION requested in PLN-CBPA-2021-031.

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 2876 Martin's Point Way were presented. The Board was informed that the applicant is seeking an approval to construct a pool and concrete patio within the 50-foot landward portion of the 100-foot RPA buffer. The CBPA Review Committee reviewed this application on August 17, 2021, and recommended approval of the application with the following stipulation: three (3) large canopy trees (LCT) and two (2) small canopy trees (SCT) shall be planted in the Resource Protection Area (RPA) to mitigate the additional impervious area associated with the proposed development. The lot was recorded in 2019.

Proponent:

Chip Iuliano, ABT Custom Homes, 3345 Bridge Road, Suite 924, Suffolk Virginia, Agent. Mr. Iuliano stated that they are not requesting a concrete pool or concrete patio, they are requesting a Swim Spa and a wooden deck. He stated that the applicant's doctor has recommended the Swim Spa for her rehabilitation.

Board Discussion:

Chairman Weckworth questioned if the pool was placed outside of the 100-foot buffer the application would not have to come before the Board

Mr. Hoar confirmed that if the pool is placed outside the 100-foot buffer, it would be an Administrative Approval.

Ms. James stated that the neighbor had a pool on their property and questioned why the Staff Report states that this would be the first pool exception requested in the subdivision.

Mr. Hoar stated that the neighbor's pool was Administratively approved since they are outside of the 100-foot buffer.

Ms. Toida questioned they the Board requests that the pool be moved outside of the 100-foot buffer could they also stipulate additional plantings.

Mr. Hoar stated that in that case, the Board would have to deny the application and the applicant would then revise the application and could seek an Administrative Approval of the pool.

CBPA BOARD VOTE:

Ms. James moved to **APPROVE PLN-CBPA-2021-031** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Vice Chairman Koelsch seconded the motion. The motion failed by a vote of 3 – 4; Underhill and Wilson excused. The motion to approve with conditions did not receive a majority vote. An additional motion was not made, resulting in the denial of the application.

OTHER BUSINESS:

- **None.**

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:01 P.M.

Sincerely,

Lewis Martinez,
Recording Secretary

LM/eh