

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – December 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 December 15, 2021, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chair
Kimberly Koelsch, Vice Chair
Katie James, Member
John Klesch, Member
Jillian Sunderland, Member
Victoria Thomas, Member
Rick Underhill, Alternate Member

EXCUSED

Karen Toida, Member
Chris Wilson, Alternate Member

PLANNING DEPARTMENT STAFF PRESENT

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

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The November 17, 2021, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the November 17, 2021, CBPA Board were APPROVED by unanimous consent.

CBPA APPLICATION:

- PLN-CBPA-2021-036**
PROJECT/LOCATION: 2873 Martins Point Way
APPLICANT/OWNER: ABT Homes
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a swimming pool and patio space within the 50-foot landward portion of the 100-foot RPA buffer. The total proposed additional impervious area will be 1,173 SF (493 SF in RPA).
WATERSHED: Western Branch of the Elizabeth River
TAX MAP PARCEL: 0101016000220
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CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-036 with the following stipulation:

The bio-retention planting bed shall be extended to fully surround the pool apron. Additional plantings shall be placed in the planting bed as approved by the Chesapeake Planning Department.

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 2873 Martins Point Way were presented. The Board was informed that the applicant is seeking an exception to construct a swimming pool and patio space within the 50-foot landward portion of the 100-foot RPA buffer. The Total proposed additional impervious area will be 1,173 SF (493 SF in RPA). The CBPA Review Committee reviewed this application on November 9, 2021, and recommended approval of the application with the following stipulation: five (5) shrubs 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:

John Iuliano, 2604 Sheenan Court, Chesapeake, Virginia. Representing ABT Custom Homes. Mr. Iuliano stated the ABT Custom Homes owns the property, and it is under contract with the Fullers. He stated that during the construction process they wanted to put in a pool and tried to get it out of the RPA as much as they could, however, they ran into an issue with zoning. He stated that they tried to do everything they could to minimize the encroachment into the buffer and got the pool as close to the house as we could.

Lynn Evans, 631 Blue Herring Drive, Surry, VA representing Hassell & Folkes. Mr. Evans stated the area beside the house, will be a pool pump and equipment which will be screened in to stop the view from the roadway of the cul-de-sac. The planting bed behind the pool will help with over splash and concrete will be minimal.

Board Discussion:

Ms. Sunderland questioned the tree canopy population difference between the RPA which has no additional canopy and the RMA which has 1160 feet of additional canopy.

Mr. Hoar stated that it was a typo and that it should be 14 shrubs and 3 small canopy trees.

Ms. Kimberly Koelsch questioned if the 6 canopy trees in the RMA are in the ground now.

Mr. Hoar stated that they should be in the ground by the time the final inspection is scheduled for footprints and structures.

Mr. Underhill questioned if any of the lots that fall within the 100-year floodplain could be developable.

Mr. Hoar stated that all the lots within the subdivision are developable lots.

Mr. Weckworth questioned the other house that the committee denied and asked to be shown.

Mr. Hoar stated that similar request was denied across the cul-de-sac from the subject property. He stated the request was for a 935 sq. ft. encumbrance with 640 feet in the 100 ft buffer. Mr. Hoar stated the review committee recommended approval for that application.

Ms. Sunderland questioned if the concrete pad is the minimum required for the pool.

Mr. Hoar stated that he would let the applicant speak to that question but typically City Staff has determined that between 3 and 4 foot is minimum necessary to anchor the lining.

Mr. Underhill questioned if there is any other material that would be acceptable that would be less pervious than concrete.

Mr. Hoar stated that depending on the construction, permeable concrete pavers are what is being proposed and even permeable pavers from a CBPA standpoint would be considered as impervious material; however even if it was viable, it would be a feather in the cap as opposed to a concrete slab for an apron.

Mr. Klesch questioned why the application went before the Review Committee twice.

Mr. Hoar stated that the first plan that the committee reviewed an actual piece of the pool liner, not just the apron, was encroaching into that 25 ft. zoning setback line so for that to be a developable project not only would a CBPA approval be necessary, but a Board of Zoning Appeals variance would also need to be approved for the 25 ft. setback line. He stated to remedy that, the entire pool was rotated into a more vertical fashion, slightly increasing the encroachment into the buffer, but it got out of the 25 ft. setback line to avoid a BZA variance.

Ms. Koelsch questioned if there was any consideration given to make the apron around the pool smaller.

Mr. Evans stated that the apron was as small as you can have it and safely walk around the pool.

Ms. Koelsch questioned if there was consideration to any of the other areas around the pool to be more impervious material.

Mr. Evans stated that they had not.

Mr. Klesch questioned in the revised plan why the planting bed wasn't all the way around the pool.

Mr. Iuliano stated he did not see any reason to extend it any further.

Mr. Klesch questioned if the coastline was eroding.

Mr. Iuliano stated that it was not eroded.

Mr. Hoar stated that he did not see widespread or localized erosion issues.

Mr. Klesch questioned some of the property line was vegetated.

Mr. Hoar stated that the entire length was all natural and vegetated.

Mr. Klesch questioned if there is slopping at the orange silk fence shown in the pictures.

Mr. Hoar stated it was very minimal just from making the foundation pad for the house.

Mr. Klesch questioned where the pool was going to end in the picture.

Mr. Iuliano stated that it would end where the silk fence is in the picture.

Mr. Iuliano stated that the orange silt fence is close to the 50ft. landward buffer and there would be no problem extending the retention bed to the property line.

Mr. Klesch stated that if the exception was approved that there should be planting that wrapped all the way around the pool. He stated that he was concerned about the sloping of the property and runoff of that lot.

CBPA BOARD VOTE:

Mr. Underhill moved to **APPROVE PLN-CBPA-2021-036** based on the findings contained in the Chesapeake Bay Preservation Act Review Committee staff report. Chairman Weckworth seconded the motion. The motion was carried by a vote of 7 – 0; Toida and Wilson excused.

CBPA APPLICATION:

2. PLN-CBPA-2021-041

PROJECT/LOCATION: 135 Westonia Road

APPLICANT/OWNER: Wetherington Homes

AGENT: Tim Fallon Land Surveying, PLLC

PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to Section 26-522 to re-subdivide two (2) parcels that do not meet the minimum square footage requirements outside the 100-foot Resource Protection Area (RPA) buffer.

SUBDIVISION/LOT #: Westonia / Lot 1 and Lot 2 Block B

WATERSHED: Southern Branch of the Elizabeth River

TAX MAP PARCELS: 0341001000010 and 0341001000020

CBPA BOARD ACTION:

The CBPA Board APPROVED THE EXCEPTION requested in PLN-CBPA-2021-041 as submitted.

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 135 Westonia Road were presented. The Board was informed that the applicant is seeking an exception to re-subdivide two (2) parcels that do not meet the minimum square footage requirements outside the 100-foot Resource Protection Area (RPA) buffer. The CBPA Review Committee reviewed this application on November 16, 2021, and recommended approval of the application as submitted. The lots were recorded in 1930.

Proponent:

John Weatherington, 625 Innovation Drive, Chesapeake, Virginia. Mr. Weatherington stated that reducing the developable lots down to four will be beneficial to the city as well as his agency.

Board Discussion:

Mr. Klesch questioned if there are any projects planned for the lots yet.

Mr. Weatherington stated that there are not any plans for the lots yet, but any plans to develop the lots would be to keep out of the 50 ft. buffer as much as possible.

CBPA BOARD VOTE:

Ms. Thomas moved to **APPROVE PLN-CBPA-2021-041** 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; Toida and Wilson excused.

OTHER BUSINESS:

- **Election of Officers**

Chair: Bruce Weckworth

Vice Chair: Kimberly Koelsch

ADJOURNMENT:

With no further business, the meeting was adjourned at 7:04 P.M.

Sincerely,

Lewis Martinez
Recording Secretary

LM/eh