

Chesapeake Bay Preservation Area Board

Public Hearing Minutes – March 16, 2022 City Council Chambers – 6:00 P.M.

Call to Order: Chairman Bruce Weckworth called the Chesapeake Bay Preservation Area (CBPA) Board meeting of March 16, 2022, to order at 6:00 p.m. in City Council Chambers.

Roll Call:

PRESENT

Bruce Weckworth, Chairman
Kimberly Koelsch, Vice Chair
John Klesch, Member
Jillian Sunderland, Member
Victoria Thomas, Member
Karen Toida, Member
Rick Underhill, Alternate Member

EXCUSED

Katie James, Member
Christopher Wilson, Member

PLANNING DEPARTMENT STAFF PRESENT

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

CITY ATTORNEY STAFF PRESENT

Meredith Jacobi, Assistant City Attorney

APPROVAL OF MINUTES:

The January 19, 2022, CBPA Board minutes were presented into the record for CBPA Board action.

CBPA BOARD ACTION:

Minutes for the January 19, 2022, CBPA Board were APPROVED by unanimous consent.

CBPA APPLICATION:

- PLN-CBPA-2022-003**
PROJECT/LOCATION: 135 Westonia Road
APPLICANT/OWNER: Wetherington Homes
AGENCY: Tim Fallon Land Surveying, PLLC
PROPOSAL: In accordance with Section 26-528, of the Chesapeake City Code, the applicant seeks an **EXCEPTION** to construct a single-family home within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 3,119 square feet (SF) (3,119 SF in RPA).
SUBDIVISION/LOT #: Lot 2 Block B Westonia Road
WATERSHED: Southern Branch of the Elizabeth River
TAX MAP PARCEL: 0341001000020

CBPA BOARD ACTION:

CBPA Board **APPROVED** (7 – 0; Toida/Koelsch) the exception request with the following stipulations:

- The structure is moved south towards Westonia Road up to the 25-foot building setback line.**
- A patio or deck may be added to the CBPA site plan, provided that there is no increase in the total impervious area.**

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 construct a single-family home within the 50-foot landward portion of the 100-foot Resource Protection Area (RPA) buffer. The total proposed additional impervious area will be 3,119 square feet (SF) (3,119 SF in RPA). The plat date is 2022.

Proponent:

Jon Wetherington, 625 Innovation Drive, Suite 103, Chesapeake, VA 23320, was available for questions.

Ms. Sunderland asked the applicant if there is a deck or patio in the back of the home. Mr. Wetherington stated that one could be put there at a minimal size.

Mr. Underhill asked the applicant if he would be willing to increase some ground cover with small shrubs. Mr. Wetherington stated he would add some small shrubs if the Board deemed it necessary.

Ms. Toida asked the applicant if he would build a deck for the prospective purchaser of the property. Mr. Wetherington stated the home would be a speculative product that did not include a deck or patio space.

Mr. Hoar stated that the Board could create a stipulation to allow additional impervious area associated with a small landing pad or patio space and could advise not to exceed a certain amount of square feet. If approved the applicant can depict that on the site plan and if it meets the stipulations given by the board it would be the approved site plan.

Ms. Sunderland asked what the decrease of the impervious area is? Mr. Hoar did not have specific square-footage of reduction but estimated the area to be approximately 100 square-feet (SF) Mr. Wetherington agreed with the estimate of 100 SF. Ms. Sunderland stated she would like to add that the impervious area does not increase for the project and was in favor of the stipulation to move the home up to the 25-foot building setback line.

Mr. Hoar stated that Isite number fully developed as shown is 14 percent, which is well below the 28 percent Ished number for the Southern branch of the Elizabeth River lots.

Ms. Toida asked if the applicant was planning to remove any trees. Mr. Wetherington stated not at this site.

With no further questions for staff or the applicant Chairman Weckworth stated he would entertain a motion.

Ms. Toida questioned the board to see if they would like to discuss how to word the stipulation.

Mr. Weckworth stated that the board take the committees suggestion to move the 25-foot setback line we include that language Ms. Sunderland mentioned earlier that indicated the decrease in impervious surface can be used for the landing pad in the rear of the proposed house.

Ms. Toida stated it would be clearer to move the house up to the 25 foot and add a rear cement pad not to exceed 100 square feet.

Mr. Underhill commented that it was a very large pad, that all they needed was a landing around 3 x 5 feet or 5 x 5 feet.

Ms. Koelsch stated that she is concerned that 25 SF leaves very little flexibility if we allow them to decide how to spend their square footage for the pad and stated that she was in favor of limiting the size of the pad.

Ms. Koelsch stated that she would like to go with what the committee recommended and add a stipulation allowing a 25 SF pad to be placed off the rear of the house.

Ms. Sunderland stated that she is in favor of allowing a 100 SF pad.

Ms. Toida stated that if the Board stipulated 100 SF, the builder does not have to put in a pad to cover the entire area, rather they can still install a 3 x 5 or 5 x 5 foot pad. The Board would just stipulate not to exceed 100 SF.

Mr. Hoar stated that they would not have to submit an additional exception application.

Mr. Weckworth stated that they may see additional exception requests associated with this property in the future.

Ms. Toida made the motion to approve the application with the following stipulations:

1. The structure is moved south towards Westonia Road up to the 25-foot building setback line.
2. A patio or deck may be added to the CBPA site plan, provided that there is no increase in the total impervious area.

Ms. Koelsch seconded the motion.

The motion was approved by a vote of 7 – 0.

Ms. Jacobi offered a proposed motion if someone wanted to make the motion. If so, you would just say so moved. Motion to approve the application with the findings and stipulations recommended by the CBPA Review Committee plus one stipulation that a patio or deck may be added to the CBPA site plan provided there is no increase in impervious area.

Mr. Weckworth asked Ms. Jacobi to repeat the motion.

Ms. Jacobi repeated the motion stated earlier. Mr Weckworth said that his understanding of the motion would be no reduction in impervious surface from what is being proposed even though they are moving it up to the 25 ft setback line.

Ms. Toida asked Ms. Jacobi if she thought the wording was better legally. Ms. Jacobi answered yes.

Ms. Jacobi mentioned that you could also phrase it that a patio or deck may be added not to exceed the 100 square feet impervious area if you want to specify the number instead of making it equal to what is there now.

Mr. Underhill stated that it was more consistent with what had been discussed. Mr. Weckworth agreed.

Mr. Weckworth said that if the board agreed with the motion, it could be stated saying so moved. Ms. Toida made the motion to approve. Ms. Koelsch seconded the motion.

The motion was approved by a vote of 7-0.

Board Discussion:

Mr. Weckworth asked staff if one of the recommendations was to move the home to the 25 ft setback line but is not depicted on the site plan. Mr. Hoar stated that if it was approved and the stipulation adopted by the board then the applicant would resubmit a plan satisfying the stipulation and that would be the approved site plan.

Ms. Toida asked staff if the sheds were all going to be removed. Mr. Hoar stated that they will be removed. Ms. Toida questioned if any trees would have to be removed due to the construction. Mr. Hoar stated that he is not aware of any trees to be removed.

Ms. Koelsch questioned staff if whomever purchases the home decides to add any other development would they have to submit an exception application to be reviewed by the CBPA review committee? Mr. Hoar stated that any additional encroachment on lots platted after 2022 would have to submit an exception application that would ultimately need to be approved by the CBPA Board.

Ms. Toida asked staff if the City provides the builder and/or the homeowner with a notice that states the removal of trees within the Resource Protection Area (RPA) is a violation of City Code. Mr. Hoar stated that he was not aware of the Planning Dept. issuing any formal document to a new owner/buyer.

Mr. Underhill asked staff if there were any walkways around the house? Mr. Hoar stated that the home has a covered porch and a small walkway that connects the porch to the driveway. The rest of the area shown on the plan is assumed to remain yard with ground cover or natural vegetation.

Ms. Toida asked if the current setback is 40 feet. Mr. Hoar stated that it is 25 feet.

OTHER BUSINESS:

Other Business:

- Gil Bostwick, Current Planning Administrator reported that the Wetlands Board has been continued indefinitely. There will be nothing forthcoming for the foreseeable future.
- Mr. Hoar spoke about the CBPA Specifications manual. The Planning Dept. has made some minor revisions to the manual. A copy of the revision will be supplied.
- Ms. Toida asked if there was an update on the January 19, 2022, board meeting. Mr. Hoar stated he has been in contact with Ms. Jennings and walked the property with her. The other applicant Mr. Ruiz has not had any contact with Mr. Hoar and has reached out to him a couple of times. He will give him another month to get a plan together. If there is no contact at that point, he may need to be brought back to the board.

ADJOURNMENT:

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

Sincerely,

Sherry Carawan
Recording Secretary

SC/eh