



**CHESAPEAKE BAY REVIEW COMMITTEE
City of Hampton, Virginia**

COMMITTEE MEMBERS: Billy Wood, Phil Russell, Sharon Surita, Dave Stromberg, Lucy Stoll

**MEETING AGENDA
October 31, 2017**

**REGULAR MEETING
9:00 AM – CDD Conference Room, 5th Floor City Hall**

I. Public Hearing Items

- A. ZP17-00531: Almond Contracting, 19 Edgewater Rd., LRSN 10000251**, a request to encroach seven hundred ninety nine (799) square feet into a portion of the one hundred (100) foot Resource Protection Area buffer to construct a single-family dwelling. ZP17-00272 was previously approved on July 11, 2017 for this address to allow one hundred thirty one (131) square feet of encroachment.

As a courtesy to others during the meeting, please turn off cellular telephones or set them to vibrate.

Community Development Department, Planning & Zoning Administration Division

22 Lincoln Street | Hampton, Virginia 23669
www.hampton.gov | Hampton's 311: 757.727.8311 | O.757.727.6140

CITY OF HAMPTON· CHESAPEAKE BAY REVIEW COMMITTEE

STAFF EVALUATION

Meeting Date
October 31, 2017

Prepared By: Hannah Sabo, Zoning Official

728-5144

Case: Chesapeake Bay Review (ZP17-00531) **Location:** 19 Edgewater Rd. (LRSN 10000251)
Owner: Brandon and Deborah Husby **Zoning District(s):** R-13 District – One Family Residential
Applicant: Almond Contracting

Request

Authorization by the Chesapeake Bay Review Committee pertaining to Section 9-14(2)(b)(iv)(cc), permitted encroachments into the buffer, to construct a single-family dwelling in a portion of the one hundred (100) foot Resource Protection Area buffer.

Existing Site Conditions

The property is undeveloped. A turf lawn is maintained on the site. No forested buffer remains.

Site History

- The property was platted in 1900.
- Records and aerial photography indicate the property has never been developed.
- On July 11, 2017 the Chesapeake Bay Review Committee approved 131 square feet of encroachment for a single-family dwelling on this lot.

Evaluation

Staff has reviewed the application as it relates to the Hampton Zoning Ordinance. Specifically, this application is subject to review under Section 9-14(2)(b)(iv)(cc):

Development on a lot or parcel recorded prior to October 1, 1989 when application of the buffer area results in the loss of a buildable area, the review committee may permit encroachments into the buffer area in accordance with section 9-15 of this article and the following criteria.

- (1) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;
- (2) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot or parcel; and,
- (3) The encroachment may not extend into the waterward 50 feet of the buffer area.

Additional Considerations:

The applicant originally proposed a plan that included 1,154 SF of impervious area in the RPA buffer. The applicant worked with staff and revised the development plan to situate the house on the lot in a way that minimizes encroachment into the RPA buffer while adhering to the side yard setback requirements. This plan, proposing 131 SF of impervious area in the RPA buffer, was approved by the CBRC on July 11, 2017.

In September it was brought to the city's attention, by Almond Contracting, that the surveyor had incorrectly calculated the front setback. The correct front setback was 18.25' farther from the street than the approved plan had shown. In order to comply with the front setback, the dwelling must move 18.25' closer to the RPA feature and encroach 799 square feet into the RPA buffer.

The plan proposes sufficient mitigation per the Virginia DEQ Riparian Buffers Modification and Mitigation Guidance Manual to offset the proposed impervious area in the RPA buffer.

Recommendation

Staff recommends that the Committee authorize encroachment into the landward fifty (50) foot portion of the Resource Protection Area buffer subject to the following three (3) conditions:

1. Development in the RPA buffer shall be in substantial conformance with the plan prepared by Campbell Land Surveying, Inc., titled "Lot Development Plan, Parcel A-1, Block 6, Edgewater, Hampton, VA", dated 9/27/2017.
2. Any permanent impervious area, including, but not limited to, the primary and accessory structures, parking areas, patios, decks, and porches, shall be mitigated for at the rate of one (1) unit of mitigation per every 400 square-feet, or portion thereof, of encroachment into the RPA buffer, according to the DCR Riparian Buffer Modification and Mitigation Guidance Manual.
3. Approval of this application only authorizes encroachment into the RPA buffer. All phases of the proposed development shall comply with all ordinances of the City of Hampton.

Aerial Map



O-CBP District - Chesapeake Bay Preservation Overlay (GIS)



2P17-00531



Application for
Chesapeake Bay Review Committee

OFFICE USE ONLY
Date Received:

Complete this application in its entirety and submit along with the required materials (listed in Step 2 below) to the following address:

City of Hampton, Community Development Department
22 Lincoln Street, 3rd Floor
Hampton, Virginia 23669

Application for (check one):

- Resolution of O-CBD boundary dispute
- Request authorization to encroach into the RPA buffer for:
 - Non-exempt road or driveway with or crossing the RPA
 - Development on lot/parcel recorded prior to October 1, 1989
 - Development on lot/parcel recorded October 1, 1989 – May 12, 2004
- Exception to the requirements of:
 - Section 9-14 2a, General Performance Criteria
 - Section 9-14 2b, Restrictions applicable to the RPA

1. PROPERTY INFORMATION

Address or Location 19 Edge Water Road, Hampton, VA 23664
LRSN 10000251 Zoning District R-13

2. SUBMITTAL REQUIREMENTS & DETAILS

All applications must include:

- (1) A recent, to scale physical survey of the property, prepared by licensed surveyor, that must include:
 - a. Environmental Site Assessment: RPA, RMA, IDA buffer areas, RPA features, and wetlands drawn and clearly labeled
 - b. Erosion and Sediment Control Plan; Silt Fences, Construction Entrances, etc.
 - c. All proposed improvements to the property; new buildings, new roads/infrastructure, etc.

; (2) Water Quality Impact Assessment (see attached); (3) Background Information (property deeds, recorded plats, date stamped photos, prior approvals, etc.); (4) application fee of \$75 for single-family residential uses, \$200 for all other uses, payable to the City of Hampton; (3) a brief written description of hardship or dispute (use following space or submit as a separate document);

Description of request:

We are requesting to build a (2) story single family residence into the 100 ft RPA buffer. We plan to mitigate any excess runoff generated by the 799 sf encroachment by planting (1) canopy tree, (2) understory trees and (3) small shrubs.

2 4 6

Additional information may be required at the Zoning Administrator's discretion

Development of any property is subject to compliance with all applicable codes, regulations and ordinances, regardless of whether such is specified in a Chesapeake Bay Review Committee approval

3. PROPERTY OWNER INFORMATION

An individual or a legal entity may be listed

Owner's Name Brandon L. Husby
Deborah L. Husby
Address 105 Quaker Road
City Hampton State VA Zip 23669
Phone 757-848-9264
Email husby4@cox.net

4. APPLICANT INFORMATION

(if different from owner)

Applicant's Name Almond Contracting
Address P.O. Box 182
City Seaford State VA Zip 23696
Phone (757) 620-4799
Email almondcanco@yahoo.com

5. APPLICANT AGENT INFORMATION

(if different from applicant)

Agent's Name _____
Address _____
City _____ State _____ Zip _____
Phone _____
Email _____

5. CERTIFICATION FOR LEGAL ENTITY PROPERTY OWNERS

Complete this section only if the property owner is not an individual but rather a legal entity such as a corporation, trust, LLC, partnership, diocese, etc. as specified in Step 3 above.

"I hereby submit that I am legally authorized to execute this application on behalf of the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), title(s), signature(s), and date(s) of authorized representative(s) of entity (attach additional page if necessary):

Name of Legal Entity _____

Signed by: Name (printed) _____, Its (title) _____

Signature _____ Date _____

Name (printed) _____, Its (title) _____

Signature _____ Date _____

6. CERTIFICATION FOR INDIVIDUAL PROPERTY OWNERS

Complete this section only if the property owner is an individual or individuals.

"I hereby submit that I am the fee-simple owner of this property. I have read this application and it is submitted with my full knowledge and consent. I authorize city staff and representatives to have access to this property for inspection. The information contained in this application is accurate and correct to the best of my knowledge."

Name(s), signature(s), and date(s) of owner(s) (attach additional page if necessary):

Signed by: Name (printed) Brandon L. Husby

Signature Brandon L. Husby Date 10/4/17

Name (printed) Deborah L. Husby

Signature Deborah L. Husby Date 10/4/17

HARRIS CREEK

D.B. 274, PG. 182

APPROXIMATELY MEAN LOW WATER

F.I.R.M. ZONE AE(EL=9)
F.I.R.M. ZONE AE(EL=8)

(BLOCK 6)
LOT 1, 2 & PT. 3 & 4
N. OR F.
ZACHARY R. FENN
& CAROLINE FENN
PIN/LRSN: 10000250
INST. #16009572
ZONED: R13
#17 EDGEWATER ROAD

(BLOCK 6)
LOT 6 & PT. 5 & 7
N. OR F.
DONALD Y. HODGES, JR.
& PAMELA S. HODGES
PIN/LRSN: 10000252
D.B. 1311, PG. 708
ZONED: R13
#22 EDGEWATER ROAD

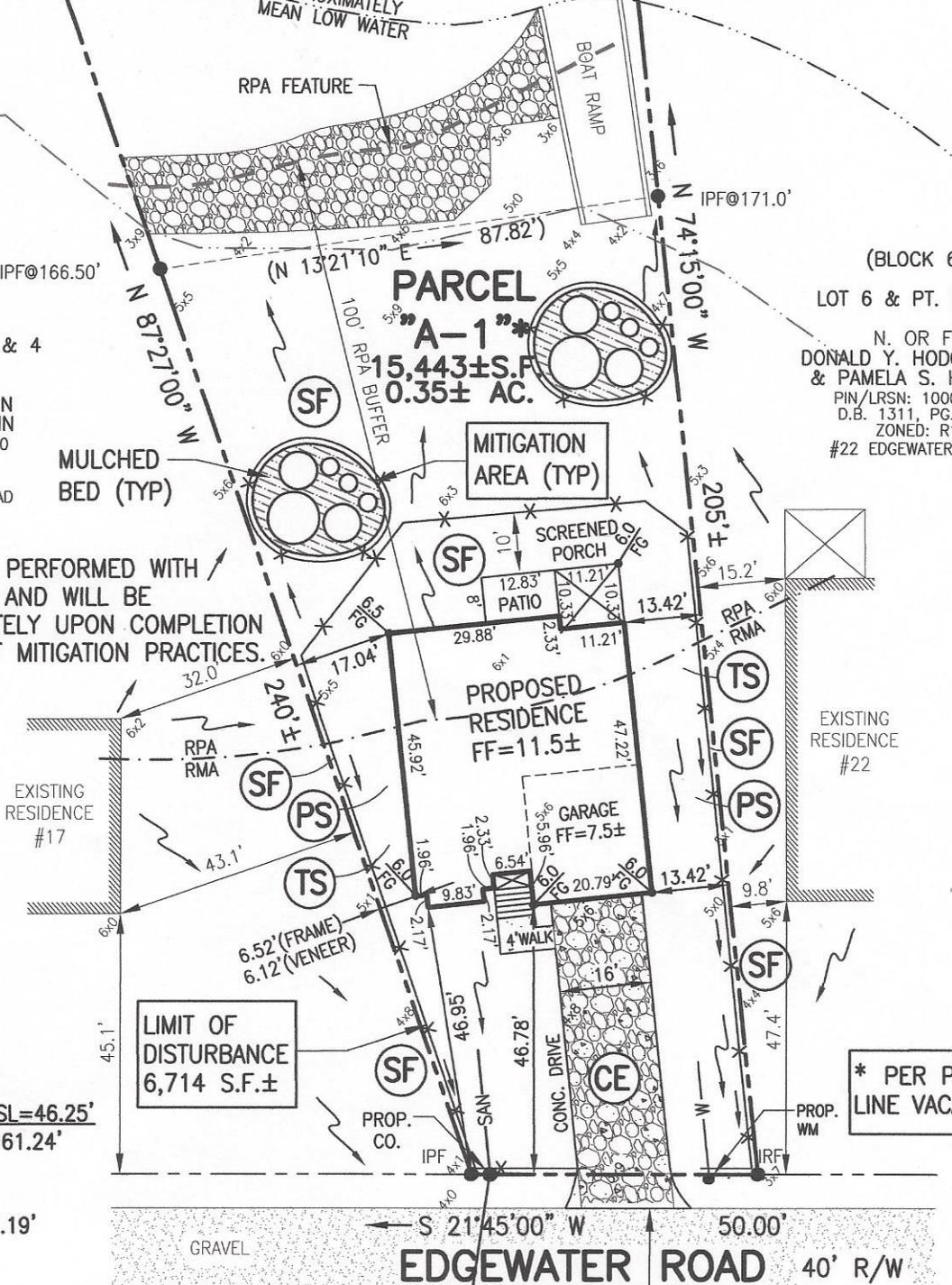
PARCEL
"A-1"
15,443± S.F.
0.35± AC.

MITIGATION NOTE:
ALL WORK WILL BE PERFORMED WITH HAND TOOLS ONLY, AND WILL BE STABILIZED IMMEDIATELY UPON COMPLETION OF INSTALLATION OF MITIGATION PRACTICES.

AVERAGE BUILDING SETBACK WIDTH @ BSL=46.25'
DIST. @ 46.25' BSL=61.24'
10%=6.12' MIN.
25% TOTAL=15.31'
SIDE=15.31'-6.12'=9.19'

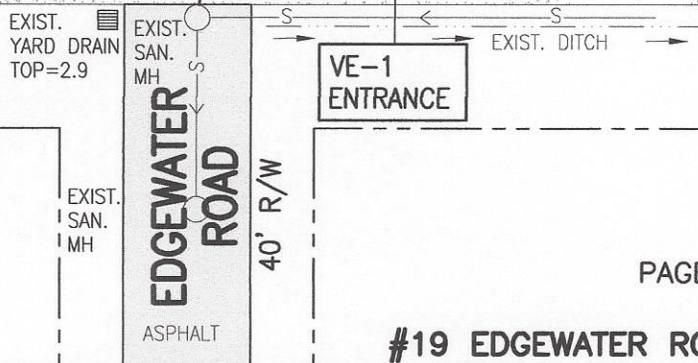
NOTE:
-PUBLIC WATER BY NEWPORT NEWS WATERWORKS
-PUBLIC SEWER BY CITY OF HAMPTON
-R/W PERMIT WILL BE REQUIRED PRIOR TO ANY LAND DISTURBANCE

F.I.R.M. ZONE AE(EL=8) & AE(EL=9)
MAP PANEL #5155270013H
DATE OF F.I.R.M. 5/16/2016



* PER PROPERTY LINE VACATION PLAT

EDGEWATER ROAD 40' R/W



PAGE 1 OF 2

#19 EDGEWATER ROAD

LEGEND

- PROPERTY LINE
- BUILDING SETBACK LINE
- EASEMENT LINE
- 11x0 EXISTING ELEVATION (NAVD 1988)
- 11.0/FG PROP. FINISH GRADE
- PROP. FLOW LINE
- CLEANOUT
- WATER METER
- ⊙ INLET PROTECTION (IP)
- X-X-X SILT FENCE (SF)
- ⊕ CONSTRUCTION ENTRANCE (CE)



LOT DEVELOPMENT PLAN

PARCEL "A-1" BLOCK 6
EDGEWATER
HAMPTON, VIRGINIA

CAMPBELL LAND SURVEYING, INC.
P.O. BOX 855, YORKTOWN, VA. 23692
(757) 890-0837

SCALE: 1"=30' DATE: 03/10/2017

F.B. 461 PG. 5

JOB NO.: 17-0042

17-0042_DP.DWG

REV. 3/30/17 REV. 7/17/17 REV. 9/6/17 REV. 9/12/17 REV. 9/27/17

IMPERVIOUS CALCULATIONS

PARCEL A-1 AREA: 0.35± AC./15,443± S.F.

EXISTING IMPERVIOUS: 0

PROPOSED IMPERVIOUS:

RES. PATIO, PORCH, STEPS - 2,180 S.F.

CONC. WALK/DRIVE - 823 S.F.

TOTAL 3,003 S.F. (19.5%)

ALLOWABLE IMPERVIOUS COVERAGE 34%

PROPOSED IMPERVIOUS WITHIN RPA - 799 S.F.

RPA BUFFER MITIGATION: 799 S.F./400=2 UNITS OF MITIGATION REQ.
2 UNIT PROVIDED

MITIGATION PLANTING PROVIDED:

- 2 1- CANOPY TREES
- 4 2- UNDERSTORY TREES
- 6 3- SMALL SHRUBS

VERTICAL DATUM NAVD 1988

PARCEL A-1

OWNER: BRANDON L. HUSBY & DEBORAH L. HUSBY

ADDRESS: 19 EDGEWATER ROAD

HAMPTON, VA 23664

PIN/LRSN: 10000251

LEGAL: INST. #170005804

ZONE: R-13

F.I.R.M. ZONE AE(EL=8) & AE(EL=9)

F.I.R.M PANEL No. 5155270027H

DATED: 5/16/2016

AREA OF LAND

DISTURBANCE=6,714 S.F.±

#19 EDGEWATER ROAD

LOT DEVELOPMENT PLAN

PARCEL "A-1"

BLOCK 6

EDGEWATER

HAMPTON, VIRGINIA

CAMPBELL LAND SURVEYING, INC.

P.O. BOX 855, YORKTOWN, VA. 23692

(757) 890-0837

SCALE: 1"=30'

DATE: 03/10/2017

F.B. X PG. X

JOB NO.: 17-0042

17-0042_DP.DWG

LEGEND

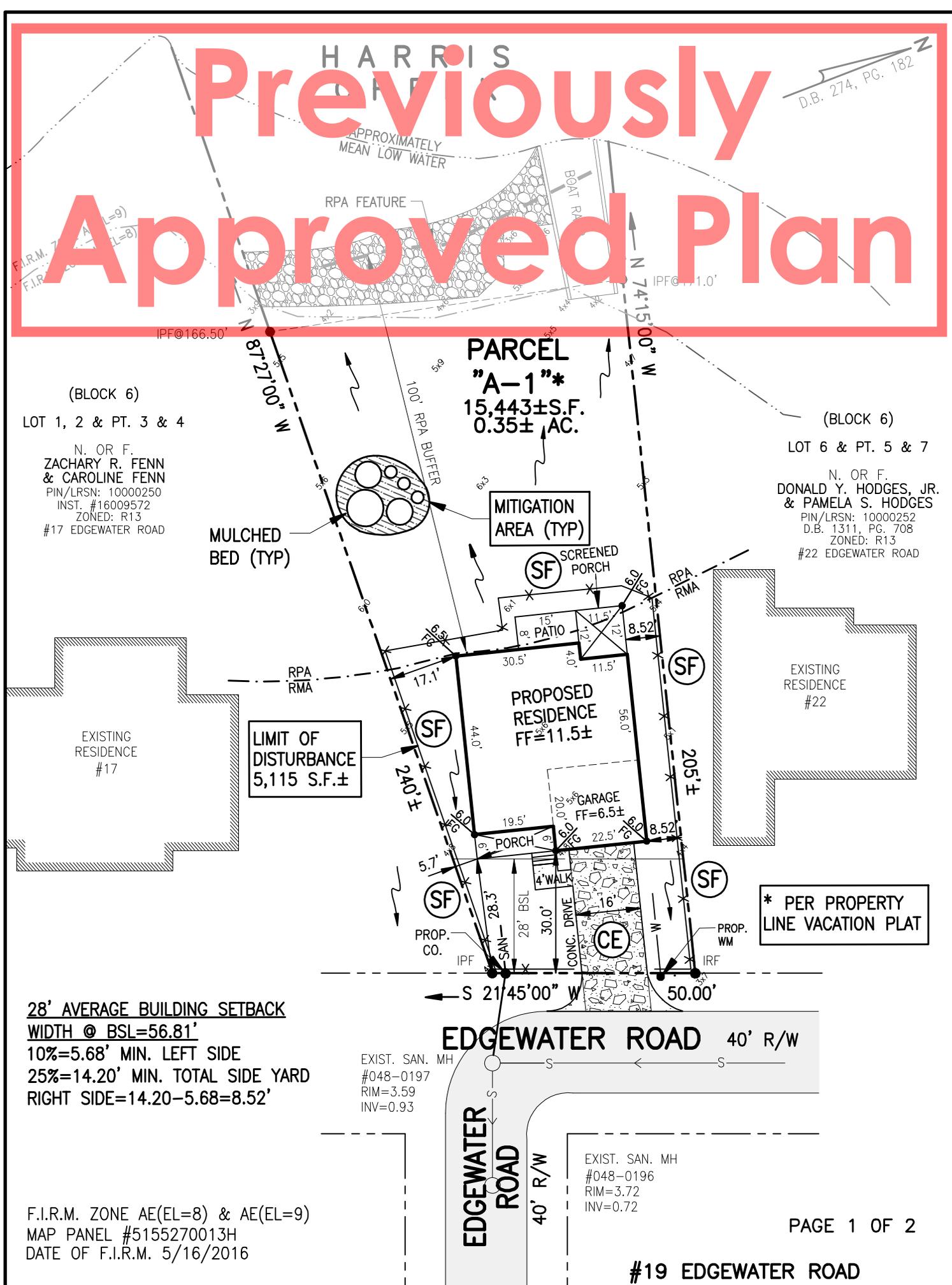
- PROPERTY LINE
- BUILDING SETBACK LINE
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- CLEANOUT
- WATER METER
- ⊗ INLET PROTECTION (IP)
- X-X-X SILT FENCE (SF)
- ⊠ CONSTRUCTION ENTRANCE (CE)



HARRIS Previously

D.B. 274, PG. 182

Approved Plan



* PER PROPERTY LINE VACATION PLAT

LEGEND	
	PROPERTY LINE
	BUILDING SETBACK LINE
	EASEMENT LINE
	EXISTING ELEVATION (NAVD 1988)
	PROP. FINISH GRADE
	PROP. FLOW LINE
	CLEANOUT
	WATER METER
	INLET PROTECTION (IP)
	SILT FENCE (SF)
	CONSTRUCTION ENTRANCE (CE)

COMMONWEALTH OF VIRGINIA

DAVID P. CAMPBELL
LICENSE NO. 1419B
6/15/17
LAND SURVEYOR B

LOT DEVELOPMENT PLAN

PARCEL "A-1" BLOCK 6
EDGEMAN
HAMPTON, VIRGINIA

CAMPBELL LAND SURVEYING, INC.
P.O. BOX 855, YORKTOWN, VA. 23692
(757) 890-0837

SCALE: 1"=30' DATE: 03/10/2017

JOB NO.: 17-0042 17-0042_DP.DWG