

1 **AT A REGULAR MEETING AND PUBLIC HEARING OF THE CHESAPEAKE BAY REVIEW COMMITTEE OF**
2 **THE CITY OF HAMPTON, VIRGINIA, HELD IN THE CDD CONFERENCE ROOM, 5th FLOOR, CITY HALL,**
3 **22 LINCOLN STREET, AT 9:00 A.M. ON TUESDAY, SEPTEMBER 26, 2017.**

4 **ITEM I. ROLL CALL**

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6 Chairman Billy Wood called the meeting to order at 9:00 A.M.

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8 A call of the roll noted those present: Committee members Sharon Surita, Dave Stromberg,
9 Lucy Stoll, Chip McErlean, and Chairman Billy Wood.

10
11 Also present were Zoning Official Hannah Sabo, Zoning Administrator Steve Shapiro, Senior
12 Assistant City Attorney Bonnie Brown, Property Maintenance Manager Phil Russell, applicants
13 Wendy and Roger Iles, applicant John Will, and Mark Jenkins, Jan and Mark Spencer, Kellie
14 McCabe, Clyde Williams, and Recording Secretary/Senior Administrative Assistant Ann Crist.

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16 Zoning Administrator Steve Shapiro explained the changes in Board Members for today's
17 meeting.

18 **ITEM II. PUBLIC HEARING ITEMS:**

- 19
20 **A. ZP17-00324: Roger and Wendy Iles, 13 Wallace Rd., LRSN 10000236,** a request to
21 encroach into a portion of the one hundred (100) foot Resource Protection Area
22 buffer to allow a 1,200 square foot raised garden bed.

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24 Zoning Official Hannah Sabo presented the staff report.

25
26 The meeting was opened for discussion.

27
28 Board Member Stoll inquired as to why this case was before the Board, if home gardens under
29 2500 square feet are allowed in the buffer. Zoning Official Hannah Sabo advised that the
30 gravel used in the construction of the garden beds created an impervious surface which then
31 required the Board's approval to encroach into the buffer.

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33 Phil Russell confirmed that the garden bed had been started when before Inspector Mikel went
34 to the property due to a complaint. The applicant continued constructing the garden bed
35 while the Community Development Department considered whether or not they would need
36 to take any action.

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38 The applicants explained that the garden was completely built except for the actual beds
39 when the complaint was made and that the intent for the use of gravel was to act as a French
40 drain. The applicants stated that since the completion of the garden bed the water has
41 drained, as designed, versus shedding water during and after storms.

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43 Board Member Surita inquired as to the location of the mitigation plantings. Zoning Official
44 Sabo advised that the drawing with the mitigation plantings were on a separate sheet. Board
45 Member Surita stated that without a topographic survey or grades on the site plan it was
46 difficult to determine if storm water would flow towards the mitigation planting. Board Member
47 Surita stated that an alternative medium would be a better option than the crush and run
48 gravel that was used.

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50 Board Member Stromberg inquired as to the salt tolerance of the mitigation plantings. The
51 applicants stated that the plant selections were made from the RPA manual and the most
52 recent Chesapeake Bay list provided to them by Inspector Mikel.

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2 Board Member McErlean requested that Phil Russell read the statement from Inspector Mikel.

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4 Senior Assistant City Attorney Bonnie Brown confirmed that the Board could add additional
5 conditions to the approval, such as the applicant will work with staff to ensure that plantings
6 are placed in relation to water flow.

7
8 Neighbors Mark Jenkins and Kellie McCabe expressed concern about an increase in flooding
9 due to any water displaced by the raised garden beds. Neighbor Mark Jenkins presented
10 photographs of the neighborhood during flooding events.

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12 Neighbors Jan and Walter Spencer who live next door stated they have not seen any
13 additional runoff due to the garden.

14
15 A motion was made by Board Member Stromberg and seconded by Board Member McErlean
16 to approve the request to encroach into a portion of the one hundred (100) foot Resource
17 Protection Area buffer to allow a 1,200 square foot raised garden bed with the following three
18 (3) conditions:

- 19 1. The raised garden bed shall be limited to 1,200 SF.
- 20 2. Any permanent impervious area shall be mitigated for at the rate of one (1) unit of
21 mitigation per every 400 square-feet, or portion thereof, of encroachment into the RPA
22 buffer, according to the DCR Riparian Buffer Modification and Mitigation Guidance
23 Manual.
- 24 3. A survey is provided showing the drainage patterns. The applicants will work with staff
25 to ensure that the plantings are salt tolerant and in the correct location. The applicants
26 will install the existing rain barrels adjacent to the shed.

27
28 A roll call vote on the motion resulted as follows:

29 AYES: Stromberg
30 NAYS: Surita, Stoll, McErlean, Wood
31 ABSTAIN: None
32 ABSENT: None

33
34 A motion was made by Board Member Stoll and seconded by Board Member McErlean to
35 deny the request to encroach into a portion of the one hundred (100) foot Resource Protection
36 Area buffer to allow a 1,200 square foot raised garden bed.

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38 A roll call vote on the motion resulted as follows:

39 AYES: Surita, Stromberg, Stoll, McErlean, Wood
40 NAYS: None
41 ABSTAIN: None
42 ABSENT: None

43
44 The applicants were advised of their right to appeal this Board's decision to the Board of
45 Zoning Appeals.

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47 Zoning Administrator Steve Shapiro was called away from the meeting; Senior Assistant City
48 Attorney Bonnie Brown confirmed that Zoning Official Hannah Sabo would act in his capacity
should a zoning interpretation be required.

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B. ZP17-00467: John Alex Will, 840 N 1st St., LRSN 12007588, a request to encroach 400 square feet into a portion of the one hundred (100) foot Resource Protection Area buffer to construct a driveway.

Zoning Official Hannah Sabo presented the staff report.

The meeting was opened for discussion.

After discussion, a motion was made by Board Member Chip McErlean and seconded by Board Member Stromberg to authorize encroachment into a 400 square foot portion of the one hundred (100) foot Resource Protection Area buffer to construct a driveway with the following four (4) conditions:

1. The portion of the driveway in the RPA buffer shall be constructed in substantial conformance with the plan prepared by DKT Associates, titled "Exhibit of Lot 21, Section C Malo Beach", dated 12/7/2016 and revised 07/17/2017.
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.
4. The stone used shall be the least restrictive stone or gravel medium and-/or pervious pavers with maximum porosity.

A roll call vote on the motion resulted as follows:

AYES:	Surita, Stromberg, Stoll, McErlean, Wood
NAYS:	None
ABSTAIN:	None
ABSENT:	None

There being no further business, the meeting was adjourned at 10:27 a.m.