

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 1254*

Short Title: Amend CAMA Variance Process.

(Public)

Sponsors: Senators Odom; Albertson and Kinnaird.

Referred to: Agriculture/Environment/Natural Resources.

June 6, 2002

A BILL TO BE ENTITLED

AN ACT TO AMEND THE PROCESS BY WHICH A VARIANCE MAY BE GRANTED BY THE COASTAL RESOURCES COMMISSION UNDER THE COASTAL AREA MANAGEMENT ACT, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113A-120.1 reads as rewritten:

"§ 113A-120.1. **Variances.**

(a) Any person may petition the Commission for a variance granting permission to use his land the person's property in a manner otherwise prohibited by ~~rules, standards, or limitations~~ rules or standards prescribed by the Commission, or orders issued by the Commission, pursuant to this Article. ~~When it finds that~~ To qualify for a variance, the petitioner must show all of the following:

(i) ~~(1) practical difficulties or unnecessary~~ Unnecessary hardships would result from strict application of the ~~guidelines, rules, standards, or orders. or other restrictions applicable to the property,~~

(ii) ~~(2) such difficulties or~~ The hardships result from conditions ~~which are peculiar~~ that are unique to the property, such as the location, size, or topography of the property. ~~to the property involved,~~

(iii) ~~(3) The hardships did not result from actions taken by the petitioner. such conditions could not reasonably have been anticipated when the applicable guidelines, rules, standards, or restrictions were adopted or amended, the Commission may vary or modify the application of the restrictions to the property so that~~

(4) The requested variance is consistent with the spirit, purpose, and intent of the rules, standards, or orders; will secure public safety and welfare; and will preserve substantial justice. restrictions are preserved, public safety and welfare secured, and substantial justice preserved. In granting a variance, the

1 (b) The Commission may impose reasonable and appropriate conditions and
2 safeguards upon any ~~permit it issues,~~ variance it grants. In order for a variance petition
3 to be eligible to be heard at a meeting of the Commission, the petitioner and the staff of
4 the Commission must reach an agreement on the stipulated facts at least 20 calendar
5 days before the meeting of the Commission. The Commission shall hear a variance
6 petition no later than the second regularly scheduled meeting of the Commission after
7 an agreement on the stipulated facts is reached.~~The Commission may conduct a hearing~~
8 ~~within 45 days from the receipt of the petition and shall notify such persons and~~
9 ~~agencies that may have an interest in the subject matter of the time and place of the~~
10 ~~hearing."~~

11 **SECTION 2.** This act is effective when it becomes law.