

June 6, 2002

S 1254. AMEND CAMA VARIANCE PROCESS. 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. Amends GS 113A-120.1 to make changes in standards and procedures to be followed by the Coastal Resources Comm'n (CRC) in granting variances. Under bill, petitioner must show that: (1) Unnecessary hardships would result from strict application of the rules, standards, or orders. (Deletes petitioner's ability to show "practical difficulties" as an alternative to unnecessary hardships.) (2) The hardships result from conditions that are unique to the property, such as the location, size, or topography of the property. (Current law does not give such examples of "difficulties or hardships which are peculiar to the property involved.") (3) The hardships did not result from actions taken by the petitioner. (Under current law, "such conditions could not reasonably have been anticipated when the applicable guidelines, rules, standards, or restrictions were adopted or amended.") (4) The 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. (Similar to current law.) For a variance petition to be heard at a CRC meeting, petitioner and CRC staff must reach an agreement on the stipulated facts at least 20 calendar days before the CRC meeting. CRC must hear a variance petition no later than the second regularly scheduled meeting of the CRC after such an agreement is reached. (Now, CRC may conduct a hearing within 45 days from receipt of petition for a variance and is to notify interested persons and agencies of the time and place of the hearing.) Makes various technical and stylistic changes.

Intro. by Odom.

Ref. to Agriculture	GS 113A
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