

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-68
HOUSE BILL 1544**

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~~ the person's land 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 that are peculiar 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

(b) The Commission may impose reasonable and appropriate conditions and safeguards upon any permit it issues. variance it grants. The Commission may conduct a hearing within 45 days from the receipt of the petition and shall notify such persons and agencies that may have an interest in the subject matter of the time and place of the hearing."

SECTION 2. This act is effective when it becomes law.
In the General Assembly read three times and ratified this the 30th day of
July, 2002.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 10:03 p.m. this 8th day of August, 2002