North Carolina Department of Environment and Natural Resources
Division of Water Quality

Beverly Eaves Perdue
Governor

Charles Wakild, P.E.
Director

Dee Freeman
Secretary

Variance Request Form
(For Minor and Major Variances)

Protection and Maintenance of Riparian Areas Rules

NOTE: This form may be photocopied for use as an original.

Check the appropriate box below:

- ☐ **Major Variance**
- ☐ **Minor Variance**

Please identify which Riparian Area Protection Rule applies (Note-this must be one of North Carolina's four buffered river basins. The River Bain map is available at http://h2o.enr.state.nc.us/admin/maps/.)

- ☐ **Neuse River Basin: Nutrient Sensitive Waters Management Strategy Protection and Maintenance of Riparian Areas Rule (15A NCAC 02B.0233)**

- ☐ **Tar-Pamlico River Basin: Nutrient Sensitive Waters Management Strategy Protection and Maintenance of Riparian Areas Rule (15A NCAC 02B.0259)**

Part 1: General Information

(Please include attachments if the room provided is insufficient.)

1. Applicant's name (the corporation, individual, etc. who owns the property):
   _____

2. Print owner/Signing official (person legally responsible for the property and its compliance)
   Name: _____
   Title: _____
   Street address: _____
   City, State, Zip: _____
   Telephone: (_____)_____
   Fax: (_____)_____

3. Contact person who can answer questions about the proposed project:

Name: _____
Telephone: (_____)_____
Fax: (_____)_____
Email: _____

4. Project name (Subdivision, facility, or establishment name - consistent with project name on plans, specifications, letters, operation and maintenance agreements, etc.):
_____

5. Project location:
Street address: _____
City, State, Zip: _____
County: _____
Latitude/longitude: _____

6. Date property was purchased: _____

7. Directions to site from nearest major intersection (Attach an 8 ½ x 11 copy of the USGS topographic map indicating the location of the site).
_____
_____
_____
_____

8. Stream to be impacted by the proposed activity:
Stream name (for unnamed streams label as "UT" to the nearest named stream):
_____

9. Which of the following permits/approvals will be required or have been received already for this project?

Required:	Received:	Date received:	Permit Type:
_____	_____	_____	CAMA Major
_____	_____	_____	CAMA Minor
_____	_____	_____	401 Certification/404 Permit
_____	_____	_____	On-site Wastewater Permit
_____	_____	_____	NPDES Permit (including stormwater)
_____	_____	_____	Non-discharge Permit
_____	_____	_____	Water Supply Watershed Variance
_____	_____	_____	Erosion/Sedimentation Control
			Others (specify) _____

Part 2: Proposed Activity

(Please include attachments if the room provided is insufficient.)

1. Description of proposed activity [Also, please attach a map of sufficient detail (such as a plat map or site plan in Adobe (pdf) format) to accurately delineate the boundaries of the land to be utilized in carrying out the activity, the location and dimension of any disturbance in the riparian buffers associated with the activity, and the extent of riparian buffers on the land. **Include the area of buffer impact in ft^2.**:
_____

2. Fill in the table below to identify the square footage of impact to Zones 1 & 2 in the protected riparian buffers and the required mitigation (**Fill in the impacts portion of the table, even if mitigation is not required):**

Zone of Impact	Impact in Square Feet	Buffer Impact Number (Indicate on Plan Sheet)	Purpose for the Impact	Multiplier	Required Mitigation
Zone 1				3	
Zone 2				1.5	
Total					

*Zone 1 extends out 30 feet perpendicular from the most landward limit of the top of bank or the rooted herbaceous vegetation; Zone 2 extends an additional 20 feet from the edge of Zone 1.

3. State reasons why this plan for the proposed activity cannot be practically accomplished, reduced or reconfigured to better minimize or eliminate disturbance to the riparian buffers:

4. Description of any best management practices to be used to control impacts associated with the proposed activity (i.e., control of runoff from impervious surfaces to provide diffuse flow, re-planting vegetation or enhancement of existing vegetation, etc.):

5. Please provide an explanation of the following:
(1) The practical difficulties or hardships that would result from the strict application of this Rule.

(2) How these difficulties or hardships result from conditions that are unique to the property involved.

(3) If economic hardship is the major consideration, then include a specific explanation of the economic hardships and the proportion of the hardship to the entire value of the project.

_____

_____

_____

_____

Part 3: Stormwater

1. Provide a description of all best management practices (BMPs) that will be used to control nutrients and sedimentation impacts associated with the proposed activity. Please ensure to include all applicable operation & maintenance agreements and worksheets for the proposed BMPs. Also, include the BMPs on your plan sheets.

   _____

   _____

   _____

2. Attach a description of how diffuse flow will be maintained through the protected riparian buffers. Please ensure to include all applicable operation & maintenance agreements and worksheets for the proposed diffuse flow measure(s). Also, include the diffuse flow measure(s) on your plan sheets.

3. What will be the annual nitrogen load contributed by this site after development in pounds per acre per year without structural BMPs (stormwater pond, wetland, infiltration basin, etc)? Attach a detailed plan for all proposed structural stormwater BMPs.

Drainage basin	***Size of drainage basin (ac)***	***Post-development nitrogen[6] loading rate without BMPs[4] (lbs/ac/yr)***	***BMP nitrogen[6] removal efficiency[5] (%)***	***Final nitrogen[6] loading rate (lbs/ac/yr)***	***Final nitrogen[6] loading from drainage basin (lbs)***
1					
2					
3					
4					
5					
Totals		------	------	------	

[4] *Attach calculations and references.*
[5] *Attach calculations and references.*
[6] *Include Phosphorus in the Tar-Pamlico Basin*

4. Attach all applicable supplement form(s) and Inspection and Maintenance (I&M) Form(s) to this completed application. The applicable supplemental form(s) and I&M form(s) for the proposed BMPs noted in your application can be downloaded from the following website:

   http://h2o.enr.state.nc.us/su/bmp_forms.htm

Part 4: Proposed Impacts and Mitigation

Provide a description of how mitigation will be achieved at your site pursuant to 15A NCAC 2B.0242 for the Neuse Basin and 15A NCAC 2B.060 for the Tar-Pamlico Basin.

If buffer restoration is the method you are requesting, be sure to include a detailed planting plan to include plant type, date of plantings, the date of the one-time fertilization in the protected riparian buffers and a plan sheet showing the proposed location of the plantings. A guide to buffer restoration can be downloaded at the following website: **http://www.nceep.net/news/reports/buffers.pdf**

If payment into a buffer restoration fund is how you plan to achieve your mitigation requirement, then include an acceptance letter from the mitigation bank you propose to use stating they have the mitigation credits available for the mitigation requested.

Part 5: Deed Restrictions

By your signature in Part 6 of this application, you certify that all structural stormwater BMPs required by this variance shall be located in recorded stormwater easements, that the easements will run with the land, that the easements cannot be changed or deleted without concurrence from the State, and that the easements will be recorded prior to the sale of any lot.

Part 6: Applicant's Certification

I, _____ (print or type name of person listed in Part I, Item 2), certify that the information included on this permit application form is correct, that the project will be constructed in conformance with the approved plans and that the deed restrictions in accordance with Part 5 of this form will be recorded with all required permit conditions.

Signature: _____
Date: _____
Title: _____

Part 7: Plan Sheets

Be sure to include a copy of all of your completed application form, plan sheets and maps in Adobe (pdf) format on a CD or floppy disk.

Part 8: Checklist

A complete application submittal consists of the following components. Incomplete submittals will be returned to the applicant. The complete variance request submittal must be received 90 days prior to the EMC meeting at which you wish the request to be heard. Initial below to indicate that the necessary information has been provided.

Applicant's Initials	Item
_____	• Original and two copies of the Variance Request Form and the attachments listed below.
_____	• A vicinity map of the project (see Part 1, Item 5)
_____	• Narrative demonstration of the need for a variance (see Part 2)
_____	• A detailed narrative description of stormwater treatment/management (see Part 4)
_____	• Calculations supporting nitrogen (phosphorus in the Tar-Pamlico Basin) loading estimates (see Part 4)
_____	• Calculations and references supporting nitrogen (phosphorus in the Tar-Pamlico Basin) removal from proposed BMPs (see Part 4)
_____	• Location and details for all proposed structural stormwater BMPs (see Part 4)
_____	• Three copies of the applicable Supplement Form(s) and I&M Form(s) for each BMP and/or narrative for each innovative BMP (see Part 4)
_____	• Three copies of plans and specifications, including:
_____	◊ Development/Project name
_____	◊ Engineer and firm
_____	◊ Legend and north arrow
_____	◊ Scale (1" = 50' is preferred)
_____	◊ Revision number & date
_____	◊ Mean high water line (if applicable)
_____	◊ Dimensioned property/project boundary
_____	◊ Location map with named streets or NC State Road numbers
_____	◊ Original contours, proposed contours, spot elevations, finished floor elevations
_____	◊ Details of roads, parking, cul-de-sacs, sidewalks, and curb and gutter
_____	◊ Footprint of any proposed buildings or other structures
_____	◊ Wetlands delineated, or a note on plans that none exist
_____	◊ Existing drainage (including off-site), drainage easements, pipe sizes, runoff calculations
_____	◊ Drainage basins delineated
_____	◊ Perennial and intermittent streams, ponds, lakes, rivers and estuaries
	◊ Location of forest vegetation along the streams, ponds, lakes, rivers and estuaries