North Carolina Department of Environment and Natural Resources
Division of Water Quality
Beverly Eaves Perdue
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Director
Dee Freeman
Secretary

Consideration of a Request for a Major Variance from the Neuse River Riparian Area Protection Rule

Laura Duncan Parkway Townehomes, Cary, NC
July 11, 2012

A request has been received for the Water Quality Committee to grant a major variance from the Neuse River Riparian Area Protection Requirements (15A NCAC 2B.0233) for the proposed townhome development located at 2580 Laura Duncan Parkway in Cary, Wake County, North Carolina. The project will impact 1,592 square feet (ft^2) of Zone 1 and 5,182 square feet (ft^2) of Zone 2 of the protected riparian buffers.

Recommendations and Preliminary Findings:

1. The applicant purchased the property on December 16, 2005. This property has been platted and recorded since 1989.
2. The applicant minimized and tried to avoid the buffer impacts.
3. The applicant did not meet the following hardship: 15A NCAC 02B .0233(9)(a)(i)(E), in that the owner purchased the property after the effective date of the rule.
4. Additional Conditions – The Division of Water Quality (Division) staff believe that the following conditions should be added to the variance if approved to ensure protection of retained buffers located at 2580 Laura Duncan Parkway in Cary:
   - The Division staff believes that a deed restriction should be placed on the remaining protected riparian buffers on this property
   - Buffer mitigation; and
   - A stormwater plan will be submitted to the Division for approval and the variance should be conditioned upon the applicant obtaining said approval from the Division.

Recommendation: The Division staff supports this major variance request. However, the Division recognizes that the applicant does not comply with the evaluation criteria 15A NCAC 02B .0233(9)(a)(i)(E), since the owner purchased the property after the effective date of the rule.

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