



NORTH CAROLINA
Environmental Quality

August 5, 2020

ROY COOPER
Governor
MICHAEL S. REGAN
Secretary
S. DANIEL SMITH
Director

TO: DEQ-DWR-Wetlands-Public Listserv

FROM: Paul Wojoski, 401 & Buffer Permitting Branch

RE: Notice of Complete Application and Finding of Fact for Authorization Certificate with Major Exception pursuant to Neuse River Riparian Area Protection Rules - 15A NCAC 02B .0714 and 15A NCAC 02B .0611

PUBLIC NOTICE is hereby given that on June 30, 2020, a request was received by the Division of Water Resources (DWR) to grant a Major Exception from the Neuse Riparian Area Protection Rules (15A NCAC 02B .0714 and 15A NCAC 02B .0611) to Rules to Mr. Taylor Pope and Mrs. Caroline Pope for the construction of a home addition consisting of a bedroom and bathroom within Zone 1 and Zone 2 of the buffer at an existing single-family residence at 5249 Vann Street, Raleigh, NC. The proposed project would permanently impact 203 square feet of Zone 1 and 380 square feet of Zone 2 of the buffer at 5249 Vann Street, Raleigh. To mitigate the buffer impact in accordance with 15A NCAC 02B .0611 (b)(1)(I), the applicant proposes to purchase riparian buffer credits from the Division of Mitigation Services. Based on the information submitted DWR provides the below preliminary findings pursuant to 15A NCAC 02B .0611 (c)(3)(C). DWR proposes to take final action on the application September 5, 2020.

Preliminary findings pursuant to 15A NCAC 02B .0611 (b)(2) and (c)(1)

The applicant has demonstrated to the Division's satisfaction that the project meets all the criteria specified in 15A NCAC 02B .0611 (b)(2).

The Division finds the following pursuant to 15A NCAC 02B .0611 (c)(1).

- (A) There are practical difficulties or unnecessary hardships that prevent compliance with the riparian buffer protection requirements.

The Division believes that the construction of the proposed bedroom and bathroom addition is constrained by practical difficulties which include the home's current configuration and construction difficulties associated with designs for alternative locations of the addition.

- (B) If the applicant complies with the provisions of this Rule, he or she can secure no reasonable return from, nor make reasonable use of, his or her property. Merely proving that the Authorization Certificate with Exception would allow a greater profit from the property shall not be considered adequate justification for an Authorization Certificate with Exception.



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

The proposal would be an allowance for a typical residential component where one currently does not exist, which is a reasonable use.

Moreover, the Authority shall consider whether the Authorization Certificate with Exception is the minimum possible deviation from the terms of this Rule that shall make reasonable use of the property possible;

The Division believes proposal is a minimal deviation from the rule.

- (C) The hardship is due to the physical nature of the applicant's property, such as its size, shape or topography;

Hardship is due to physical nature of property and the location of the stream along the property boundary.

- (D) The applicant did not cause the hardship;

The applicant did not.

- (E) The requested Authorization Certificate with Exception is in harmony with the general spirit purpose and intent of the State's riparian buffer protection requirements, will protect water quality, will secure public safety and welfare, and will preserve substantial justice.

Mitigation for the proposed buffer impacts will be satisfied through the purchase of buffer credit from the Division Mitigation Services. Stormwater management will be addressed with the construction of a new on-site rain garden Stormwater Control Measure. Due to these factors the Division believes that the proposal is in harmony with the general spirit and intent of the State's riparian buffer protection requirements, will protect water quality, will secure public safety and welfare, and will preserve substantial justice.

The application is online at:

<https://edocs.deq.nc.gov/WaterResources/Browse.aspx?dbid=0&startid=1136148>

Contact Beverly Strickland (919-707-8789) for assistance with the website. The application is also on file at the DWR Central Office and may be inspected with an appointment between 8 a.m. & 5 p.m. at 512 N. Salisbury St., Raleigh, NC, 27604. For questions or to schedule an appointment, contact Paul Wojoski at Paul.Wojoski@ncdenr.gov.

This notice is available electronically at: <https://deq.nc.gov/about/divisions/water-resources/water-quality-permitting/401-buffer-permitting-branch/public-notices>