



UDO ADMINISTRATION

**ADMINISTRATIVE ADJUSTMENTS,
ALTERNATIVE COMPLIANCE,
VARIANCE and APPEAL
APPLICATION PACKET**

Applications related to pre-UDO zoning follow this guide as well to submit but will be subject to the Ordinance codified through June of 2021.

Presubmittal meeting required.

UDO Administration Presubmittal meeting (Accela record type - UDOPS): All potential applications for administrative adjustments, alternative compliance, variances and interpretations must have a presubmittal meeting prior to submitting an application. *A presubmittal meeting is not required prior to filing an appeal application, but a meeting is required prior to proceeding to the Board of Adjustment. *

Process: Request a UDO Administration Presubmittal meeting in Accela via the following instructions. UDO Administration staff will contact the applicant to arrange the meeting. Meetings are typically held virtually. Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. Staff will review the issue and ordinance to advise if any other remedies or alternatives might be available. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps.

1. Go to Accela Citizen Access (ACA) <https://aca-prod.accela.com/CHARLOTTE/Default.aspx>
2. Select Login in the upper right of the page.
3. Sign in if you have an existing Accela account or if you need to create one select "Create An Account" It is free.

Sign In

USER NAME OR E-MAIL: *

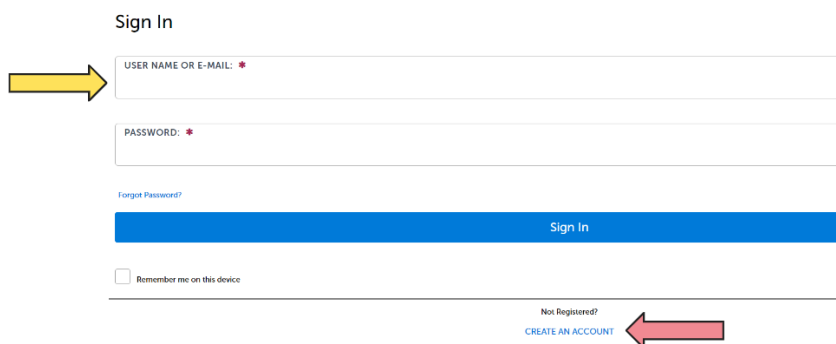
PASSWORD: *

[Forgot Password?](#)

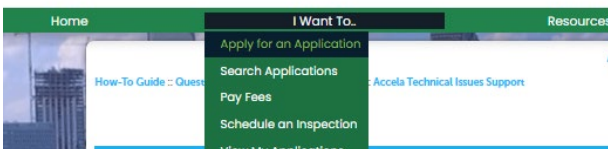
Sign In

Remember me on this device

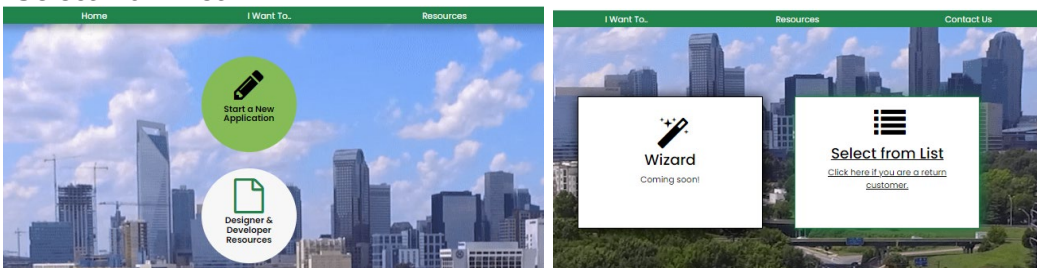
Not Registered?
[CREATE AN ACCOUNT](#)



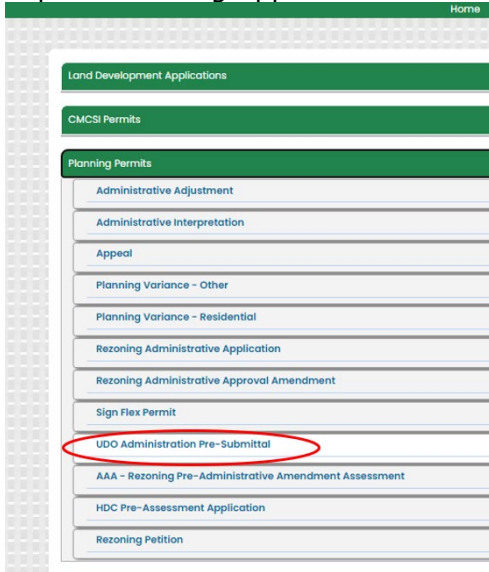
4. At the top of the page select "I want to..." and pick "Apply for an Application" from the drop down menu.



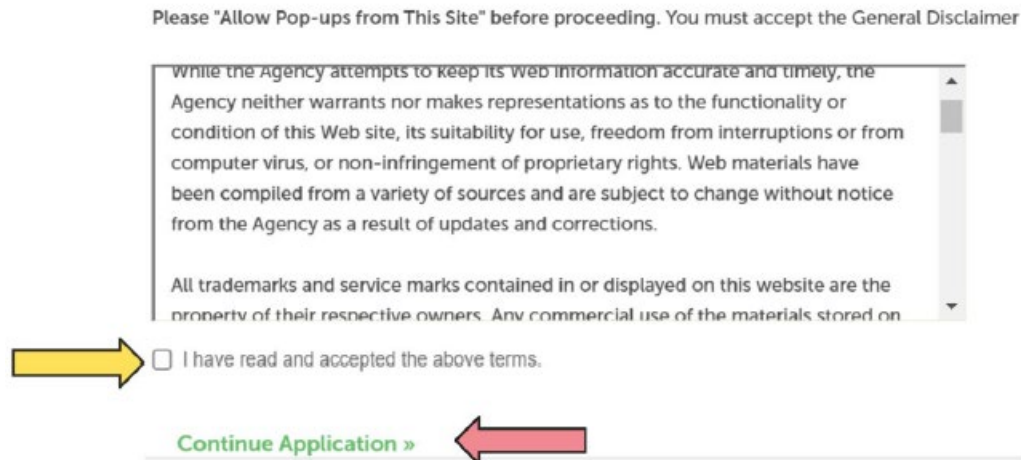
5. Alternatively, from the "Home" page select "Start a New Application" then click "Select from List"



6. Expand Planning Applications and "UDO Administration Pre-submittal"

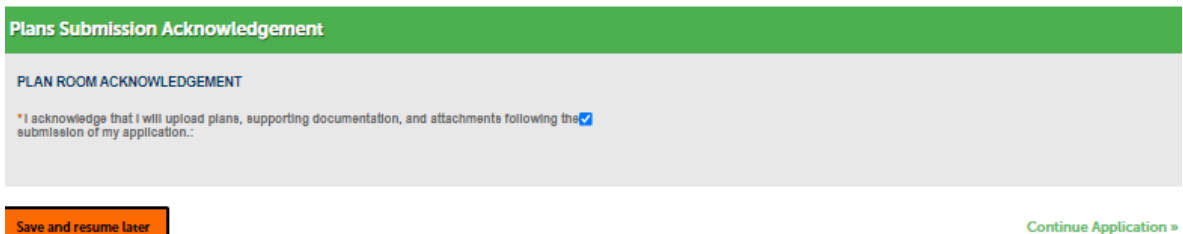


7. Read the General Disclaimer and select the acknowledgement box. Then select "Continue Application"



8. Complete the subsequent information fields to identify the location, description of the request and contact information.

9. Review and accept the Plan Room acknowledgement then select "Continue Application" (a sketch plan, survey images and other supporting documents may be uploaded to Accela or sent to staff prior to the presubmittal meeting)



10. Review the application information, you may make any edits, select the acknowledgement and select "Continue Application" at the bottom of the page.

Plans Submission Acknowledgement

PLAN ROOM ACKNOWLEDGEMENT

Edit

I acknowledge that I will upload plans, supporting documentation, and attachments following the submission of my application. Yes

I certify that I have read and understand the instructions that accompany this application and that the statements made as part of this application are true, complete, and correct and that no material information has been omitted. By checking the box below, I understand and agree that I am electronically signing and filing this application.

Fees can be found at [User Fee Schedules - City of Charlotte \(charlottenc.gov\)](#)

The fees for this application are determined after a review of the information provided in the application. I understand and agree to pay the fees assessed before plan review by the City of Charlotte Land Development Team.

By checking this box, I agree to the above certification.

Date: 10/04/2023

Save and resume later

[Continue Application »](#)

11. Application confirmation will give you the Accela Record number and a link to upload any plans or documents. A confirmation email will be sent to the contact.

Step 5: Application Confirmation



Your application has been successfully submitted. Please print your application and retain a copy for your records. Staff will contact you if additional information is needed. If a fee is required it must be submitted within 3 days and accepted before a review can begin.

For Rezoning petition fee instructions, visit www.rezoning.org.

If fees are paid prior to the submittal of this application, City staff, per state statute, can only keep the check for 24 hours. If plans are not submitted within that time, the check will be returned to you.

Thank you for using our online services.

Your Record Number is UDOPS-2023-00029.

You will need this number to check the status of your application or to schedule/check results of inspections. Please print a copy of your record and post it in the work area.

To upload your digital plans, specifications, or other supporting documents for review, please click below:

[Upload Plans and Documents](#)

12. Once the Presubmittal meeting application is received, staff will contact the applicant or agent to arrange a meeting date/time. Presubmittal meetings are held virtually during business hours. Please allow 2-3 weeks to get the meeting scheduled to coordinate staff calendars.

Types of Applications

There are 5 types of requests managed by UDO Administration staff and the Board of Adjustment. See below for a brief description of each request type. Refer to the applicable/referenced UDO Articles for details. If you have questions, contact the UDO Administration Staff. <https://www.charlottenc.gov/Growth-and-Development/Planning-and-Development/Zoning/Zoning-Admin>

- 1. Administrative Adjustment Request (Accela record type - UDOAA):** Article 37.4 of the Unified Development Ordinance authorizes the Administrator to make adjustment to standards. Refer to the Article for details.
<https://read.charlotteudo.org/articles/article-37-amendments-development-approvals>

Process: Request a UDO Administration Presubmittal meeting in Accela (see page 1 above). Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps. File an application in Accela for an Administrative Adjustment (see guide below).

Per Article 37.4 A.4.b. notice letters will be sent to property owners abutting on the side of the location of the requested administrative adjustment or on all sides if all sides would be affected. Abutting owner(s) are entitled to object. Abutting owner(s) shall have 10 working days from the date of the letter to make comments to the Administrator. The designated administrator shall take into consideration any comments received. If any person with standing objects to the administrative adjustment with a stated reason before the written decision, the administrative adjustment shall be denied and the applicant may file for a variance or alternative compliance, if applicable. Timeline: 1-2 months depending on process requirements.

Decision Maker: Zoning Administrator or Designated Article Administrator

- 2. Alternative Compliance Review (Accela record type - ACRB):** This is a request to vary the standards of the Unified Development Ordinance per Article 37.10. An example: Seeking a modification or alternative to design standards such as building transparency. Refer to the Article for details.
<https://read.charlotteudo.org/articles/article-37-amendments-development-approvals/#3710-alternative-compliance>

Process: Request a UDO Administration Presubmittal meeting in Accela (see page 1 above). Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps. File an application in Accela for a Alternative Compliance Review (see guide below). Per Article 37.10 D.6.b.i. & ii. Notice will be mailed to adjacent property owners and a sign is posted on the property. The Alternative Compliance Review Board holds an evidentiary public hearing and speakers are sworn in to provide testimony. Timeline: 3 months.

Requirements for Approval:

Sections 37.10 C.1.a., b., c., d., & 37.10 D.10 contain the review criteria and standards by which Alternative Compliance Review applications will be evaluated.

Decision Maker: UDO Board of Adjustment

3. Variance Request (Accela record type - VAR): This is a request to vary the standards of the Unified Development Ordinance per Article 37.8.A. A common example: Seeking relief from a front, side or rear setback requirement. Refer to the Article for details.

<https://read.charlotteudo.org/articles/article-37-amendments-development-approvals>

Process: Request a UDO Administration Presubmittal meeting in Accela (see above). Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps. File an application in Accela for a Variance (see guide below). Per Article 37.8.A.9-12: Notice will be mailed to adjacent property owners and a sign is posted on the property. The Board of Adjustment holds an evidentiary public hearing and speakers are sworn in to provide testimony. Timeline: 1-2 months.

Requirements for Approval (all four criteria must be met):

- i. Unnecessary hardship would result from the strict application of the regulation. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.
- ii. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.
- iii. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.
- iv. The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured, and substantial justice is achieved.

Additional factors for consideration in granting Floodplain Variances are provided in Section 37.8.A.13.b. Additional factors for consideration in granting Water Supply Watershed Protection Variances are provided in Section 37.8.A.13.c.

Decision Maker: UDO Board of Adjustment

- 4. Appeal Request (Accela record type - APL):** This type of request, found in Article 37.8 B. of the Unified Development Ordinance, and may be requested when an applicant feels that the Zoning Administrator, enforcement officer or plans reviewer has made an error in applying the standards of the Ordinance. Refer to the Article for details.

<https://read.charlotteudo.org/articles/article-37-amendments-development-approvals>

Process: Request a UDO Administration Presubmittal meeting in Accela (see above). Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps. *A presubmittal meeting is not required prior to filing an appeal application, but a meeting is required prior to proceeding to the Board of Adjustment. * File an application in Accela for an Appeal (see guide below). Per Article 37.B.9-12: Notice will be mailed to adjacent property owners and a sign is posted on the property. The Board of Adjustment holds an evidentiary public hearing and speakers are sworn in to provide testimony.
Timeline: 1-2 months.

Requirements: An error in the application of the ordinance must be found in order to reverse the decision of the Administrator, enforcement officer or plans reviewer.

Decision Maker: UDO Board of Adjustment

- 5. Administrative Interpretation (Accela record type - UDOAI):** Article 35.5 of the Unified Development Ordinance authorizes the Administrator to administer their respective Articles, including interpreting and determining how regulations are applicable.

<https://read.charlotteudo.org/articles/article-35-ordinance-bodies-administrators>

Process: Request a UDO Administration Presubmittal meeting in Accela (see above). Allow for 2-3 weeks for the pre-submittal meeting to be scheduled. At the conclusion of the pre-submittal meeting, staff will give further directions on next steps. File application in Accela for an Administrative Interpretation. (see guide below).
Timeline: 1-2 months.

Decision Maker: Zoning Administrator or Designated Article Administrator

Application Instructions

The following are the general instructions for filing the applications discussed above. Specific application submittal checklists and instructions are included later for the forms described below:

- a. **Meeting.** Prior to submitting an application, please ensure you have had a presubmittal meeting per the instructions at the beginning of this packet.
- b. **Application Deadlines.** Applications must be submitted in accordance with the Schedule of Meetings and Submission Deadlines included in this packet. Applications must be reviewed by staff and verified as complete. Staff will invoice the application fee. A complete application and fee payment must be received to be schedule for an applicable Board meeting. Please note that a request for an appeal must be filed within 30 days from receipt of the written decision or receipt or actual or constructive notice of the written decision. A maximum of 6 cases are schedule for each Alternative Compliance Review Board meeting and a maximum of 10 cases are scheduled for each Board of Adjustment meeting.
- c. **Fees.** All applications must pay the invoiced non-refundable fee. Invoices will be completed by staff in Accela according to the UDO Administration Schedule of Fees, included in this packet.
- d. **Application Filing.** All applications must be filed through Accela Citizen Access <https://aca-prod.accela.com/Charlotte/customization/common/home.aspx>
An account is required, accounts are fee. From the Home screen select "Start a New Application" or from "I want to..." at the top select "Apply for an Application". Then choose to select from the list. All UDO Administration application types are found under the "Planning" option. Then select the applicable application type from the list.
- e. **Complete the application.** Fill in applicable fields. Make sure to go through all steps of the application to the point you get a confirmation and a record number (ex. VAR-2023-00003) If you have questions about the fields contact UDO Administration staff. (Crystal Roman at crystal.roman@charlottenc.gov or John Kinley at john.kinley@charlottenc.gov)
- f. **Signature Required.** Make sure the required signature form included in this packet is properly signed and uploaded to Accela. Unsigned applications cannot be accepted. An application cannot be accepted without the signature sheet.
- g. **Supporting Documents Required.** Applicants should upload supporting documents to Accela such as site plans, survey, plat, photos, letters etc.
- h. **Completeness Requirement.** Illegible and incomplete applications cannot be accepted. Staff will review the application to make sure it is correct and contact the applicant for any revisions or additional documentation needed.

Application Processing

- a. **Case number assigned.** The Accela record number is the case number.
- b. **Check for Completeness.** Staff will ensure that the application is complete, and a signature sheet signed by the appropriate parties has been uploaded.
- c. **Fee Invoiced.** Staff will invoice the application in Accela. An email will be generated and sent to the applicant with instructions for paying the fee.
- d. **Schedule the Case (if applicable).** Once payment is received the case will be scheduled for a hearing date.
- e. **Sign Notification (if applicable).** Staff will visit the site and post a sign on the property with the case number and UDO staff contact information per state statutory requirements. Staff will also take photographs for use at the hearing.

- f. **Adjacent Property Owner Notification.** The clerk will prepare and mail hearing notices to adjoining property owners, the applicant, and agent per state statutory requirements (if applicable). For Administrative Adjustments, UDO Administration staff will send notice letters to affected abutting property owners per Article 37.4.
- g. **Packets Sent to Board Members (if applicable).** Meeting agendas and application packets are mailed to the applicable Board members approximately 10 days prior to the hearing date.
- h. **Staff Report (if applicable).** Staff will prepare a staff report and make a recommendation (alternative compliance review, variances and appeals) to the applicable Board on the request.
- i. **Evidentiary Public Hearing (if applicable).** A public hearing is held for all cases that require Board action. Meeting dates and times are outlined in the Schedule of Meetings and Submission Deadlines included in this packet.
- j. **Board Decision (if applicable).** The applicable Board will deliberate and render a decision on the application.
- k. **Decision Letter.** The UDO Administration staff issue a decision letter for administrative adjustments after review is completed. Staff will send a Board decision letter to the applicant, please allow 1-2 weeks after the hearing date for completion.

Hearing Procedures

The following describes how the Alternative Compliance Review Board and Board of Adjustment conduct hearings:

Order for each Agenda Item:

- a. The chairman will swear in anyone that is going to speak on an item.
- b. A staff member will present the case and offer a recommendation.
- c. The Board may question staff, then the Applicant may question the staff member.
- d. The Applicant may present his testimony for the case.
- e. The Board may question the Applicant, and staff may question the Applicant.
- f. The Applicant may present sworn witnesses who will be subject to questioning.
- g. Other parties wishing to speak on the item may present sworn testimony.
- h. The staff, then the Applicant, will be given opportunity for rebuttal and final comments.
- i. The Board will vote to continue the hearing to another meeting to gather more evidence or close the hearing and deliberate on a decision for the item.
- j. The Board will render a decision. The applicable Board may grant or deny the alternative compliance, variance, or reverse, affirm, or modify the order, decision, requirement, or determination under appeal. Conditions may be imposed on alternative compliance and variance approvals if the applicant is in agreeance.

Appeal from the Alternative Compliance Review Board and Board of Adjustment Decisions. A Board decision may be appealed to the Mecklenburg County Superior Court within thirty (30) days from the later of: (a) the decision of the board is effective, or (b) a written copy of the decision is delivered in accordance with North Carolina General Statute 160D-406(j).

Other Useful Information

- **Glossary of Terms.** You can find a Glossary of Terms describing the meaning of terms related to variances and appeals in this packet.
- **Sworn Testimony.** Hearings are quasi-judicial and require sworn testimony. Hearsay is not excluded but given limited weight.
- **Another Person Representing the Applicant.** An attorney may represent the applicant at their expense. If the applicant chooses to have a person who is not an attorney represent them, the North Carolina State Bar has issued an opinion on other people acting in a representative capacity for an applicant in a quasi-judicial hearing, titled *Authorized Practice Advisory Opinion 2006-1*, that can be found at the end of this packet.
- **Speaker Sign Up.** All parties wishing to speak during the hearing must sign the speakers list prior to the hearing, available in the hearing meeting room.
- **Exhibits.** All exhibits must remain with the Board. Exhibits must be given to the clerk for before it can be presented to the Board. If your case is not appealed to the Mecklenburg County Superior Court within thirty days after the Board's decision is filed, you may pick up your exhibits. Exhibits that are not picked up will be destroyed.
- **Conflict of Interest.** If you feel there is a conflict of interest of any Member of the Board or an association that would prejudice your case, please let it be known at the start of your case.
- **Help the Board run an efficient meeting:**
 - a. Keep testimony to the relevant facts of the case.
 - b. Do not repeat testimony.
 - c. Applicants and witnesses should have first-hand knowledge of the situation. Professionals may also testify for items within their area of professional expertise.

The City of Charlotte will comply with the American with Disabilities Act (ADA), which prohibits discrimination on the basis of disability. If you need special accommodations to attend and participate in the meeting or need this information in an alternative format because of your disability, please contact the UDO Administration staff at 704-336-3818 at least 72 hours prior to the meeting.

Glossary of Terms

Conflict of Interest. Close familial, business or other associational relationship with the affected person, or a financial interest in the outcome of a matter.

Evidence. A quasi-judicial decision must be based on evidence that is:

- **Competent:** trustworthy and reliable.
- **Material:** related to the standards.
- **Substantial:** Sufficient to support a conclusion.

Ex Parte Communication. When a board member communicates about a case (to an applicant or person involved) outside the evidentiary hearing at the Board's meeting in which the case is heard. This should be avoided and must be disclosed at the hearing.

Hardship. North Carolina General Statute section [160A-388\(d\)](#) sets forth the standards for granting a zoning variance. These mandatory standards apply to zoning variances for all counties and municipalities in the state of North Carolina. Under this statute, a board of adjustment shall vary the provisions of the zoning ordinance if strict application of the ordinance would create unnecessary hardship. In order to obtain the variance, the applicant must show all of the requirements of approval found on page one of this document are true to demonstrate a hardship.

Please note: Floodplain Ordinance hardship requirements are found on page one of this document and differ from zoning. North Carolina General Statutes Parts 3, 5, and 8 of Article 19 of Chapter 160A sets forth the standards of floodplain regulations, and are designed to promote the public health, safety, and general welfare.

Hearsay Evidence. Emails, letters or other reported statements from individuals not present at the Board's meeting. A person needs to be present at the hearing for their testimony to be considered in a determination. There is an exception for technical reports from experts (arborists, engineers, etc.) and analysis from government officials (Department of Transportation, Charlotte Mecklenburg Water Quality, etc.), which should be included in the record.

Party of Standing. Includes: person with legal interest in the property; applicant; city or county; person who will suffer special damages because of the decision; an association organized to promote the interests of a particular area (Homeowners association or neighborhood group). See G.S. 160D-1402(c).

Quasi-judicial Decision. Process of deciding how the general law applies to a particular situation based on an evidentiary record, or sworn testimony.

Sworn Testimony. Testimony gathered by persons at the hearing who have been sworn in, which means they have taken an oath in front of the board and members of the audience to tell the truth. Attorneys do not have to be sworn in to speak at the hearing.

Authorized Practice Advisory Opinion 2006-1, October 20, 2006

Quasi-Judicial Hearings on Zoning and Land Use

Inquiry:

May a person who is not a lawyer appear before planning boards, boards of adjustment, or other governmental bodies conducting quasi-judicial hearings in a representative capacity for another party?

Opinion:

At its October 2005 meeting, the Authorized Practice Committee responded to an inquiry concerning the propriety of a person who is not a lawyer appearing before planning boards, boards of adjustment, and city and county government in a representative capacity. The committee's advisory opinion distinguished appearances on legislative concerns, such as general rezoning cases and ordinance amendments, from appearances on behalf of petitioners for special use permits and variances, which are quasi-judicial matters. The committee has received comments from a number of interested parties, including architects, land use planners, and city and county attorneys as a result of that opinion. The committee is issuing this advisory opinion to supplement the prior opinion.

At its October 2005 meeting, the Authorized Practice Committee responded to an inquiry concerning the propriety of a person who is not a lawyer appearing before planning boards, boards of adjustment, and city and county government in a representative capacity. The committee's advisory opinion distinguished appearances on legislative concerns, such as general rezoning cases and ordinance amendments, from appearances on behalf of petitioners for special use permits and variances, which are quasi-judicial matters. The committee has received comments from a number of interested parties, including architects, land use planners, and city and county attorneys as a result of that opinion. The committee is issuing this advisory opinion to supplement the prior opinion.

First, the committee reiterates that the adoption of ordinances and amendments to official zoning maps (i.e. general rezoning cases) by the elected officials in city and county governments are legislative in nature and that any interested person may appear and speak on such matters before governmental bodies, even as representatives of groups or interested parties, without engaging in the unauthorized practice of law. Nonetheless, the general statutory prohibitions on unauthorized practice of law still apply even to persons who appear before governmental bodies on legislative matters. Non-lawyers may not hold themselves out as attorneys, provide legal services or advice, or draft any legal documents with regard to such matters. See N.C. Gen. Stat. §§ 84 2.1 and 4.

The law is clear that hearings on applications for special use permits and variances under zoning ordinances, as well as appeals from staff level interpretations related to permits, are quasi-judicial proceedings. N.C. Gen. Stat. §§ 153A-345 and 160A-381 and 388. See,

Humble Oil & Refining Co. v. Bd. of Aldermen of Chapel Hill, 284 N.C. 458, 202 S.E.2d 129 (1974) and *Woodhouse v. Board of Comm'rs of Nags Head*, 299 N.C. 211, 261 S.E.2d 882 (1980). (For simplicity, the quasi-judicial hearings before these bodies are hereafter referenced to as a "variance hearing" unless the context indicates otherwise.) The governmental body before which the variance hearing is conducted sits in a judicial role of applying the standards of an ordinance to the particular circumstances of a particular party. Accordingly, the role of the governmental body is to receive evidence and make decisions based upon the evidence presented.

Variance hearings require the governmental body hearing the matter to observe certain formalities. Evidence, including witness evidence, is presented to the hearing body, although the Rules of Evidence need not be strictly observed. All witnesses before the body must be sworn and their testimony is subject to cross-examination. The hearing body has the power and authority to issue subpoenas to compel witness testimony. A record of the proceedings must be preserved. The decision is to be based upon the evidence presented at an open hearing, and not on extraneous matters or personal knowledge of the members of the board. The applicant has the burden of proof. The board must make written findings of fact to support its decision. And, the decision of the board is reviewable by the courts on appeal based solely upon the record of the proceedings.

The committee believes that the law is also clear that an appearance on behalf of another person, firm, or corporation in a representative capacity for the presentation of evidence through others, cross-examination of witnesses, and argument on the law at a quasi-judicial proceeding is the practice of law. N.C. Gen. Stat. §§ 84 2.1 and 4. Consequently, because the variance hearings are by definition quasi-judicial proceedings, the committee concludes that it is the unauthorized practice of law for someone other than a licensed attorney to appear in a representative capacity to advocate the legal position of another person, firm, or corporation that is a party to the proceeding.

The committee has been urged to recognize that architects, landscape architects, land use planners, and engineers play a vital role at these quasi-judicial proceedings by presenting necessary facts and information on behalf of their clients at variance hearings. The committee agrees that the information these professionals can present is critical to the decision before the hearing body. These professionals are subject matter experts whose expert opinions, as witnesses, must be presented to the hearing body. They are witnesses who are in the best position to explain to the hearing body the facts of the proposed design and its anticipated effects on a variety of factors, including traffic, environment, and aesthetics, within the framework of matters properly under consideration at the variance hearing. The committee does not believe that the role of legal advocate by attorneys in quasi-judicial proceedings should interfere with or inhibit the role of non-lawyer professionals who speak as witnesses and present information at these quasi-judicial proceedings. In fact, their roles should be complementary.

It is axiomatic that the committee has no authority to amend or formulate exceptions to the statutes. In issuing an advisory opinion, it simply articulates how it believes a court would ultimately resolve the question for the guidance of the public. The committee cannot recognize or create exceptions to the law as expressed by the legislature and the courts. Further, we believe, as a practical matter, that effective representation of parties in variance hearings is becoming increasingly dependent upon legal advocacy of the rights of the parties with an eye toward compiling a supportable record in the event of an appeal. These are the skills an attorney provides. While it is true that many of these hearings involve routine and non-controversial matters, even questions about matters such as the height of residential fences may become the subject matter of an appeal where the appellate courts may only consider the record produced at the variance hearing. See *Robertson v. Zoning Board of Adjustment for the City of Charlotte*, 167 N.C. App. 531, 605 S.E.2d 723 (2004). It is difficult to predict in advance when a matter may require a comprehensive record for appellate purposes. Therefore, with this further elaboration, the committee re-affirms its initial opinion expressed by letter dated October 31, 2005, that the representation of another person at a quasi-judicial hearing is the practice of law.

That said, this opinion should not be interpreted to diminish the role and expertise of land use professionals as witnesses at variance hearings. These professionals may still present their evidence in support of the position of their clients. However, they may not examine or cross-examine other witnesses or advocate the legal position of their clients.

The committee's opinion is also not intended to affect the ability of city and county planning staff to present factual information to the hearing board, including a recitation of the procedural posture of the application, and to offer such opinions as they may be qualified to make without an attorney for the government present, as the committee understands is the proper, current practice and role of the planning staff. Further, nothing in this opinion should be interpreted as limiting the ability of a corporate officer or employee from testifying on factual matters on behalf of a corporate party during a hearing or suggesting that individual parties may not represent themselves before these boards.

In sum, the committee is of the opinion that land use professionals, including architects, engineers, and land use planners, may appear and testify as to factual matters and any expert opinions that they are qualified to present at quasi-judicial proceedings, but the presentation of other evidence, including the examination and cross-examination of witnesses, making legal arguments, and the advocacy for results on behalf of others before quasi-judicial zoning and land use hearings, is the practice of law that may be performed only by licensed attorneys at law.

May a person who is not a lawyer appear before planning boards, boards of adjustment, or other governmental bodies conducting quasi-judicial hearings in a representative capacity for another party? At its October 2005 meeting, the Authorized Practice Committee responded to an inquiry concerning the propriety of a person who is not a lawyer appearing before planning boards, boards of adjustment, and city and county government in a representative capacity. The committee's advisory opinion distinguished appearances on legislative concerns, such as general rezoning cases and ordinance amendments, from appearances on behalf of petitioners for special use permits and variances, which are quasi-judicial matters. The committee has received comments from a number of interested parties, including architects, land use planners, and city and county attorneys as a result of that opinion. The committee is issuing this advisory opinion to supplement the prior opinion.

THE NORTH CAROLINA STATE BAR

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**UDO Board of Adjustment (UDO BOA)
Schedule of Meetings and Submission Deadlines**

2024-2025

Submission Deadline	Meeting Date
May 24, 2024	June 25, 2024
June 21, 2024	July 30, 2024
July 26, 2024	August 27, 2024
August 23, 2024	September 24, 2024
September 20, 2024	October 29, 2024
October 25, 2024	November 19, 2024
November 22, 2024	December 17, 2024
December 27, 2024	January 28, 2025
January 24, 2025	February 25, 2025
February 21, 2025	March 25, 2025
March 21, 2025	April 29, 2025
April 25, 2025	May 27, 2025
May 23, 2025	June 24, 2025
June 20, 2025	July 29, 2025

**UDO Administration Presubmittal meeting required prior to application for Variances. Presubmittal meetings for Appeals are advised but may be held after the application is submitted.*

**Meeting dates are subject to change*

**Submissions are subject to completeness review and fee payment.*

**Submissions will be scheduled for meeting date only after submission is deemed complete and fee paid.*

**If submission is incomplete or fee is not paid the submission may be delayed to later meeting.*

**Alternative Compliance Review Board (ACRB)
Schedule of Meetings and Submission Deadlines**

2024-2025

Submission Deadline	Meeting Date
October 4, 2024	January 2, 2025
November 1, 2024	February 6, 2025
December 6, 2024	March 6, 2025
January 3, 2025	April 3, 2025
February 7, 2025	May 1, 2025
March 7, 2025	June 5, 2025
April 4, 2025	July 3, 2025
May 2, 2025	August 7, 2025
June 6, 2025	September 4, 2025
July 4, 2025	October 2, 2025
August 1, 2025	November 6, 2025
September 5, 2025	December 4, 2025
October 3, 2025	January 1, 2026 (Tentative Jan 8)

**A UDO Administration Presubmittal meeting is required prior to submitting an application.*

**Meeting dates are subject to change*

**Submissions are subject to completeness review and fee payment.*

**Submissions will be scheduled for meeting date only after submission is deemed complete and fee paid.*

**If submission is incomplete or fee is not paid the submission may be delayed to later meeting.*

Alternative Compliance Review Board Process Schedule

Submission Deadline	1 st Review	Revisions Due	2 nd Review	Notices & Signs	Meeting Date
October 4, 2024	10/21/24 – 11/8/24	11/22/24	11/25/24 – 12/6/24	12/16/24- 12/18/24	January 9, 2025
November 1, 2024	11/18/24 – 12/6/24	12/20/24	12/23/24 – 1/3/25	1/13/25- 1/15/25	February 6, 2025
December 6, 2024	12/23/24 – 1/10/24	1/24/25	1/27/25 – 2/7/25	2/10/25 – 2/12/25	March 6, 2025
January 3, 2025	1/21/25 – 2/7/25	2/21/25	2/24/25 – 3/7/25	3/10/25 – 3/12/25	April 3, 2025
February 7, 2025	2/24/25 – 3/14/25	3/28/25	3/31/25 – 4/11/25	4/14/25 – 4/16/25	May 1, 2025
March 7, 2025	3/24/25 – 4/11/25	4/25/25	4/28/25 – 5/9/25	5/12/25 – 5/14/25	June 5, 2025
April 4, 2025	4/21/25 – 5/9/25	5/23/25	5/27/25 – 6/6/25	6/9/25 – 6/11/25	July 3, 2025
May 2, 2025	5/19/25 – 6/6/25	6/20/25	6/23/25 – 7/3/25	7/14/25 – 7/16/25	August 7, 2025
June 6, 2025	6/23/25 – 7/11/25	7/25/25	7/28/25 – 8/8/25	8/11/25 – 8/13/25	September 4, 2025
July 4, 2025	7/21/25 – 8/8/25	8/22/25	8/25/25 – 9/5/25	9/15/25 – 9/17/25	October 2, 2025
August 1, 2025	8/18/25 – 9/5/25	9/19/25	9/22/25 – 10/3/25	10/13/25 – 10/15/25	November 6, 2025
September 5, 2025	9/22/25 – 10/10/25	10/24/25	10/27/25 – 11/7/25	11/10/25 – 11/13/25	December 4, 2025
October 3, 2025	10/20/25 – 11/7/25	11/21/25	11/24/25 – 12/5/25	12/15/25 – 12/17/25	January 1, 2026 (Tentative Jan 8)

**Meeting dates are subject to change*

**Submissions are subject to completeness review and fee payment.*

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**Review cycle: 1st is 15 days, 2nd or any additional reviews are 10 days. Additional reviews may be needed on a case by case basis and would shift the meeting date to the next month.*

UDO Administration Schedule of Fees

Effective July 1, 2024

PROCESS	DETAILS	FEE
Administrative Deviation & Variance Extension	Residential (Single family detached, duplex, triplex and quadruplex, one per lot)	\$265.00
	Commercial (Includes multi-dwelling development, multi-family and non-residential uses)	\$495.00
Alternative Compliance Review		\$2,885.00
Variance	Residential (Single family detached, duplex, triplex and quadruplex, one per lot)	\$820.00
	Commercial (Includes multi-dwelling development, multi-family and non-residential uses)	\$1,240.00
Appeal	Residential (Single family detached, duplex, triplex and quadruplex, one per lot)	\$570.00
	Commercial (Includes multi-dwelling development, multi-family and non-residential uses)	\$3,350.00
Subdivision Appeal		\$5,000

**UDO Administration presubmittal meeting is required prior to the application for Variances, Alternative Compliance and Administrative Deviations/Adjustments. A presubmittal meeting is advised prior to application for an Appeal but may be held after the application is submitted.*

**Fee due with 7 days of the invoice of application. An email with payment instructions will be sent by Accela to the applicant. Please check junk folder if you can't find the invoice email.*

**If submission is incomplete or fee is not paid the submission may be delayed to later meeting.*

