

Administrative Adjustment Request (Accela record type - UDOAA)

Purpose and Applicability

Administrative adjustments allow for adjustments of quantitative regulations in the zoning regulations (Articles 3 through 22), except where articles specifically state otherwise. Administrative adjustments also allow for adjustment of qualitative regulations in the zoning regulations (Articles 3 through 22) if the standard has been identified as eligible for administrative adjustment. For other articles, administrative adjustments fall under the jurisdiction of the corresponding administrator.

Includes Article 37.4 of the Unified Development Ordinance and other specific sections referencing staff or designated Administrator's ability to authorize waivers, modifications and adjustments to UDO standards. Refer to the applicable Article for criteria. Requests are processed and tracked in Accela as Administrative Adjustments.

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

Process:

Request a UDO Administration Presubmittal meeting in Accela. 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).

If applicable, 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.

Conditions of Approval:

UDO Article 37.4.A.4.c <https://read.charlotteudo.org/articles/article-37-amendments-developmentapprovals/>

- a. Any request for a zoning administrative adjustment shall be reviewed by the Zoning Administrator and shall meet any one of the following five conditions to be approved, unless alternative conditions for approval of qualitative standards are provided in the section where the qualitative standard is established:
 - i. The physical contours of the street, the land, or some other topographical or geographical feature is the basis for the error.
 - ii. The physical layout of the land and the structures upon the land are such that the Ordinance requirement cannot be met.
 - iii. Because of the nature of the abutting property or intervening topographical or geographical features, the application of the Ordinance requirement would not serve a useful purpose.
 - iv. The applicant has agreed to measures that would ameliorate the deviation from complete compliance with the Ordinance requirement.
 - v. An inadvertent error occurred which warrants the administrative adjustment. An inadvertent error includes, but is not limited to, a surveying error, a misunderstanding of a property line, or an error on the part of City or County staff.

Timeline:

1-2 months depending on process requirements.

Decision Maker:

Zoning Administrator or Designated Article Administrator