

## ARTICLE 7: VARIANCES

### “SECTION 7-3. Conditions Required for Variance.

The Board of Appeal shall grant a variance only if it finds that all of the following conditions are met:

(a) That there are special circumstances or conditions, fully described in the findings, applying to the land or structure for which the variance is sought (such as, but not limited to, the exceptional narrowness, shallowness, or shape of the lot, or exceptional topographical conditions thereof) which circumstances or conditions are peculiar to such land or structure but not the neighborhood, and that said circumstances or conditions are such that the application of the provisions of this code would deprive the appellant of the reasonable use of such land or structure;

(b) That, for reasons of practical difficulty and demonstrable and substantial hardship fully described in the findings, the granting of the variance is necessary for the reasonable use of the land or structure and that the variance as granted by the Board is the minimum variance that will accomplish this purpose;

(c) That the granting of the variance will be in harmony with the general purpose and intent of this code, and will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

(d) That, if the variance is for a Development Impact Project, as defined in Section 80B-7, the applicant shall have complied with the Development Impact Project Exaction Requirements set forth in Section 80B-7.3, except if such variance is for a deviation from said requirements. In determining its findings, the Board of Appeal shall take into account:

- (1) the number of persons residing or working upon such land or in such structure;
- (2) the character and use of adjoining lots and those in the neighborhood; and
- (3) traffic conditions in the neighborhood.

(As amended on December 29, 1983, February 27, 1986, and May 9, 1996.)”

Source: **Boston Zoning Code**, Article 7 Section 3:

<http://www.cityofboston.gov/bra/pdf/ZoningCode/Article7.pdf>