



# **Town of Halifax** Commonwealth of Massachusetts

## **Zoning Board of Appeals**

499 Plymouth Street • Halifax, MA 02338 • 781-293-1736

### **PREREQUISITES FOR THE GRANTING OF A VARIANCE:**

A variance may be granted as provided in Section 15 of Chapter 40A of the General Laws of the Commonwealth. In order to substantiate the granting of a variance, the appellant or petitioner must prove all of the following prerequisites as indicated by law:

1. Special conditions affecting a particular parcel of land or structure(s) but not affecting generally the zoning district in which it is located, a literal enforcement of the provisions of the ordinance or by-law would involve substantial hardship, financial or otherwise, to the petitioner or appellant. The hardship must relate to the premises for which the variance is sought. It must address lots burdened by unusual soil conditions, shape or topography or to unique structure(s). Note: Personal hardship is not a factor for consideration.
2. Desirable relief may be granted without substantial detriment to the Public Good.
3. It will not nullify or substantially derogate from the intent or purpose of such by-law.

Important: All three of the foregoing clauses must be substantiated before a variance is granted. Failure to satisfy any one of these three clauses defeats the appeal.

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### **PREREQUISITES FOR THE GRANTING OF A SPECIAL PERMIT:**

A special permit may be issued when the Zoning Board of Appeals has found that the use involved will not be detrimental to the established or future character of the neighborhood or the town...(under Section 167-21).