



**BOARD OF ZONING APPEALS  
CHECKLIST**

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THE FOLLOWING INFORMATION MUST ACCOMPANY AN APPLICATION TO THE BOARD OF ZONING APPEALS AND IS TO BE PROVIDED BY THE APPLICANT:

The application form must be completed by the applicant in its entirety. Incorrect or inaccurate information may result in dismissal of the appeal on procedural grounds.

- Application and justification statement
  
- The appropriate drawings showing all existing and proposed improvements on the property, with dimensions and distances to property lines, all abutting streets, and any special conditions of the property that may justify the request
  
- The fee has been determined by the City Council. **\$200.00**

**FOR OFFICE USE:**

Case Number: \_\_\_\_\_ Date Filed: \_\_\_\_\_ Hearing Date: \_\_\_\_\_

Placard Posted on Property: \_\_\_\_\_ Notice Published in Newspaper: \_\_\_\_\_

Decision of Board: \_\_\_\_\_

Applicant (s) Notified of Decision by mail: \_\_\_\_\_

**Section 64. Hearing on Application**

1. The Board of Appeals shall hold a public hearing on each application for a special exception at such time and place as shall be established by the Board of Appeals. The hearing shall be conducted and a record of such proceedings shall be preserved in such a manner as the Board of Appeals shall, by rule, prescribe from time to time.
2. Notice is required as provided in Article VI.

**Section 65. Authorization**

For each application for a special exception, the Board of Appeals shall normally, within 90 days of receipt of the application, conduct its public hearing and report its findings and decisions, including the stipulations or additional conditions and guarantees deemed necessary for the protection of the public interest.

**Section 66. Standards - General**

No special exception shall be approved by the Board of Appeals unless such Board shall find:

1. That the establishment, maintenance, and operation of the special exception will not be detrimental to or endanger the public health, safety, convenience, morals, order or general welfare.
2. That the special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.
3. That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood.
4. That adequate utilities, water, sewer or septic system, access roads, storm drainage and/or other necessary public facilities and improvements have been or are being provided.
5. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets.
6. That the proposed special exception is not contrary to the objectives of the current Comprehensive Plan for the City of Cambridge.
7. That the special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located or to the special requirements established for the specific use.

8. **Conditions and Guarantees.** Prior to the granting of any special exception, the Board of Appeals shall stipulate such conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as is deemed necessary for the protection of the public interest and to secure compliance with the standards and requirements specified in Article XII. In all cases in which special exceptions are granted, the Board of Appeals shall require such evidence and guarantees as it may deem necessary as proof that the conditions stipulated in connection therewith are being and will be complied with.

**Section 67. Effect of Denial of a Special Exception**

No application for a special exception (conditional use) which has been denied wholly or in part by the Board of Appeals shall be resubmitted for a period of one year from the date of said order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by the Board of Appeals.

**Section 68. Complaints**

Notice of complaints received by any representative of the City concerning the operation of any special exceptions shall be transmitted promptly to the Board which shall take appropriate action as provided by law. The complainant shall be notified of the action taken.

**Section 69. Revocation**

**Failure to Comply with Conditions.** Whenever the Board shall find, in case of any special exception heretofore or hereafter granted pursuant to the provisions of this Article that any of the terms, conditions, or restrictions upon which such special exception was granted are not being complied with, the Board is authorized, after due notice to all parties concerned and granting full opportunity for a public hearing, to suspend or revoke such permit or take other action as it deems necessary to ensure compliance. The Board is authorized to request and obtain investigations and reports as to compliance from such City or state agencies or administrative officers as may be appropriate.

**Section 70. Duration of Approval**

A decision of the Board granting a special exception shall be void one year from the date of approval unless the use is established or there is start of construction in accordance with the terms of this chapter. The Board may, however, as part of its findings, grant an extended period of time

**Section 71. Transferability**

Unless otherwise stipulated by the Board, a special exception transfers without formal or written confirmation, to subsequent owners of property provided the use is maintained in conformance with the conditions imposed by the Board when it granted the special exception.