

**55-242. POWERS GRANTED BY LAW.**

**A. The Board of Adjustment shall have such powers as are granted by law to:**

- (1) Hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by an administrative official or agency based on or made in the enforcement of the zoning regulations.**
- (2) Hear and decide requests for interpretation of the Zoning Map or zoning regulations or for decisions upon other special questions upon which such Board is authorized by the zoning regulations to pass.**
- (3) Where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property or by reason of exceptional topographic conditions or by reason of other extraordinary and exceptional situation of such piece of property, the strict application of any regulation in the zoning regulations would result in peculiar and exceptional practical difficulties to or exceptional and undue hardship upon the owner of such property, grant, upon an application or an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship including a variance for a conditional use; provided, however, that no variance shall be granted under this subsection to allow a structure or use in a district restricted against such structure or use; and further provided that the proposed development does not require approval by the Planning Board of a subdivision, site plan or conditional use in conjunction with which the Planning Board shall review a request for a variance pursuant to Section 47a of the Municipal Land Use Law.**
- (4) In particular cases and for special reasons grant a variance to allow departure from any regulation in the zoning regulations including, but not limited to, allowing a structure or use in a district restricted against such structure or use, but only by**

**affirmative vote of at least five (5) members of the Board of Adjustment.**

- B. No variance or other relief may be granted under the provisions of this section unless such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning regulations. Any application under any subsection of this section may be referred to any appropriate person or agency, including the Planning Board, for its report, provided that such reference shall not extend the period of time within which the Board of Adjustment shall act.**