

## EXHIBIT 13-D

### RULE 90 - VARIANCE

The Board may, after holding a public hearing, in specific cases, grant a variance from any provision of the standards incorporated into these Rules and Regulations whenever it finds: (a) that Special Circumstances exist in a particular case, and (b) that practical difficulties or Undue Hardship would result from the strict interpretation and enforcement of any such standard, and (c) that the granting of such a variance would not tend to defeat the purposes of these Rules and Regulations. The Board may place conditions upon such variances. Each application for variance concerning Regulation X, Rules 100-104, and concerning Rule 171 shall be processed pursuant to the provisions of Rule 92.

Upon hearing the variance, the Board shall also have the discretion in unusual matters to reduce and rebate in full or in part the fee for appeal otherwise set by Rule 60.

*Rule added by Ordinance No. 3 (7/11/80); amended by Ordinance No. 5 (4/13/81); Ordinance No. 7 (7/13/81); Ordinance No. 6 (5/11/81); Ordinance No. 63 (6/15/92); Ordinance No. 125 (9/18/2006)*