HOUSE BILL 1450
AN ACT relative to the powers of the zoning board of adjustment.
COMMITTEE: Municipal and County Government

ANALYSIS

This bill clarifies the authority of zoning boards of adjustment.

Explanation: Matter added to current law appears in bold italics. Matter removed from current law appears [in brackets and struckthrough.] Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
AN ACT relative to the powers of the zoning board of adjustment.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings. The general court hereby finds that:

I. Current language regarding variances is difficult for property owners and zoning boards of adjustment to understand.

II. Understanding the law is fundamental to protecting private property rights against unreasonable governmental regulation and processes.

III. Homeowners often do not know how to write a convincing application for a variance.

IV. Zoning boards of adjustment have difficulty interpreting the current statutory language and therefore may make decisions inconsistent with case law.

V. Homeowners who are denied permits often abandon their legal right to appeal because they do not know how the zoning board of adjustment may have erred.

VI. The New Hampshire supreme court has issued many decisions that explain the proper interpretation of variance law.

VII. The law will be easier for all users to understand if wording is adopted from the New Hampshire supreme court decisions.

2 Powers of Zoning Board of Adjustment. RSA 674:33, I(a)(2)(A)-(E) are repealed and reenacted to read as follows:

(A) Granting the variance would not alter the essential character of the locality;

(B) The variance does not threaten public health, safety, or welfare;

(C) Harm to the general public does not outweigh the benefit to the applicant;

(D) The values of surrounding properties are not diminished; and

(E) Considering the property's unique setting, the applicant's proposal is reasonable.

3 Effective Date. This act shall take effect 60 days after its passage.