

## § 24.05 Variance Runs With Land

A variance runs with the land and passes with the land to a subsequent purchaser.<sup>46</sup> By definition, a variance is granted with respect to a piece of property and not with respect to the personal needs, preferences, and circumstances of a property owner. Once granted, a variance can be enjoyed by both present and subsequent owners of the land.<sup>47</sup>

A board of adjustment may feel confident about "the good reputation, capacity, and reliability of a particular" applicant; however, land controls "apply to the land and not to the individuals."<sup>48</sup> Thus, the relief granted by the board cannot be limited to a particular individual nor can it be limited to a specific period of years.<sup>49</sup>

From 15 New Hampshire Practice: Land Use Planning and Zoning, Ch. 24 Variances, § 24.04 (LexisNexis Matthew Bender)

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<sup>46</sup> 2 P. Salkin, Anderson's American Law of Zoning, § 31:1 (5th ed.).

<sup>47</sup> Carbonneau v. Exeter, 119 NH 259, 401 A.2d 675 (1979)

<sup>48</sup> Vlahos Realty Co., Inc. v. Little Boar's Head District, 101 NH 460, 461-62, 146 A.2d 257, 260 (1957).

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