§ 24.05 Variance Runs With Land

A variance runs with the land and passes with the land to a subsequent purchaser.\(^{46}\) 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.\(^{47}\)

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."\(^{48}\) 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.\(^{49}\)

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

\(^{46}\) 2 P. Salkin, Anderson's American Law of Zoning, § 31:1 (5th ed.).
\(^{47}\) Carbonneau v. Exeter, 119 NH 259, 401 A.2d 675 (1979)