

§ 24.23 Variances to Accommodate the Disabled

The strict requirement that an unnecessary hardship exist for the granting of a variance may be eliminated when reasonable accommodations are necessary to allow a person with a recognized physical disability to reside in or regularly use premises that are the subject of an application to the ZBA.³⁰⁹ Presumably the other four conditions for the granting of a variance still apply and any variance granted under this exception must still be in harmony with the general purpose and intent of the zoning ordinance.³¹⁰ Unlike all other variances that run with the land,³¹¹ the zoning board of adjustment may provide that a variance granted under this section shall survive only as long as the particular person has a continuing need to use the premises in this particular way.³¹²

From 15 New Hampshire Practice: Land Use Planning and Zoning, Ch. 24 Variances, § 24.23 (LexisNexis Matthew Bender)

³⁰⁹ RSA 674:33, V

³¹⁰ RSA 674:33, V(a)

³¹¹ see § 24.05 Variance Runs With Land

³¹² RSA 674:33, V(b)