

# **TITLE LXIV PLANNING AND ZONING**

## **CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS**

### **Official Map of the Municipality**

#### **Section 674:13**

##### **674:13 Appeals Where There is a Zoning Ordinance. –**

I. Any zoning ordinance adopted pursuant to RSA 674:16 shall provide that the board of adjustment created under a local zoning ordinance and having the power to make variances or exceptions in zoning regulations shall have the further power, in specific cases and by vote of a majority of its members, upon an appeal filed with it by the owner of any such land, to grant a permit based on considerations of justice and equity for a building or structure, or part thereof, in a mapped-street location shown on the official map, in any case in which the board of adjustment finds, upon the evidence and arguments presented to it upon appeal:

(a) That the property of the appellant of which such mapped-street location forms a part will not yield a reasonable return to the owner unless such permit be granted; or

(b) That, balancing the interest of the municipality in preserving the integrity of the official map and in not increasing too greatly the cost of later opening such street, and the interest of the owner in the use and benefits of the owner's property, the grant of such permit is required by considerations of justice and equity.

II. In the event that the board of adjustment decides to authorize or issue a building permit in such case, it shall have the power to specify the exact location, ground area to be used or occupied, height, and other reasonable details and conditions of extent and character, and also the duration of the building, or part hereof, permitted. Such requirements shall be designed to promote the health, convenience, safety, or general welfare of and shall inure to the benefit of the municipality. The board of adjustment shall refuse a permit if the applicant will not be substantially damaged by placing the applicant's building outside the mapped-street location.

**Source.** 1983, 447:1. 1995, 43:3, 4, eff. July 2, 1995.