

Bond Case Briefs

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ZONING & PLANNING - NEW HAMPSHIRE

Dartmouth Corporation of Alpha Delta v. Town of Hanover

Supreme Court of New Hampshire - April 11, 2017 - A.3d - 2017 WL 1346944

Zoning administrator determined that college fraternity's use of property as student residence to house at least 18 fraternity members, following college's de-recognition of fraternity, violated town zoning ordinance governing property within "institution" district.

Fraternity appealed. Zoning board of adjustment affirmed. Fraternity appealed. The Superior Court affirmed zoning board's decision. Fraternity appealed.

The Supreme Court of new Hampshire held that:

- No special exception was required in order for fraternity to be subject to town zoning ordinance requirement that student residence in institution district operate in conjunction with another institutional use, and
- Upon college's revocation of its recognition of fraternity as student organization, fraternity was not "operating in conjunction with" college, as required for fraternity's continued use of property as student residence under town zoning ordinance.