
ZONING - NEW HAMPSHIRE

Hannaford Bros. Co. v. Town of Bedford

Supreme Court of New Hampshire - April 25, 2013 - A.3d - 2013 WL 1769794

Supermarket sought review of the decision of the town zoning board of adjustment (ZBA) which granted a variance to an ordinance restricting the size of any single building in the commercial district to a competing supermarket developer.

The Supreme Court of New Hampshire held that:

- The distance of supermarket to developer did not support standing;
- The substantial nature of the variance supported standing;
- Supermarket's participation in administrative hearings supported standing;
- ZBA's consideration of the spirit of the ordinance did not convey standing on supermarket;
- Supermarket's claim that it suffered a direct injury from unfair or illegal competition did not support standing;
- Weeks factors did not support finding that supermarket had standing;
- Supermarket's equal protection claim did not convey standing; and
- Supermarket failed to identify any direct interest in outcome of the ZBA's decision sufficient to convey standing.

The court concluded that the supermarket failed to identify any direct interest in the outcome of the ZBA's grant of a variance to an ordinance restricting the size of any single building in the commercial district to a competing supermarket developer sufficient to convey standing, even if the ZBA acted in a quasi-judicial capacity when it granted variance.

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