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ZONING & PLANNING - NEW HAMPSHIRE

Weiss v. Town of Sunapee

Supreme Court of New Hampshire - August 23, 2023 - A.3d - 2023 WL 5418884

Property owners, who sought variance for setback for residence, appealed after town zoning board of adjustment denied variance application, both initially and on rehearing.

The Superior Court dismissed action. Property owners appealed.

The Supreme Court held that:

- Superior Court had subject matter jurisdiction to review board's findings that there was insufficient evidence of unnecessary hardship and that variance would not be in keeping with spirit of zoning ordinance, and
- Remand for determination of whether owners had good cause for specifying grounds for appeal in addition to those set forth in rehearing application was warranted.

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