

BOARD OF ADJUSTMENT

Town of Atkinson

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Atkinson Regulation and Use Book issue dated March 1999

Section 460. ACCESSORY USES: EXTENDED FAMILY ACCESSORY LIVING UNIT

460:0 THE OBJECTIVES OF THIS SECTION ARE TO:

Empower families with a tool to provide housing assistance to extended family members, who are in a personal hardship situation, while at the same time affording all parties the necessary privacy and living arrangements conducive to harmonious habitation in a single family residence.

Provide dwelling units to meet the needs of smaller households, both young and old.

Provide dwelling units in single-family neighborhoods that are appropriate for different housing demands, thereby lessening fluctuations in the demand, thereby lessening fluctuations in the demand for Town services, e.g. education and elderly care.

Extend the strict definition of single-family housing to serve the narrow scope of this particular housing need.

Preserve the intent of single-family housing. This ordinance places strict physical limitations on size and access to the accessory living unit. It is intended that the accessory living unit will not be a wholly separate and self-sufficient living unit and in fact the occupants of the accessory living unit will have access to and use space in the principal living unit.

Protect the single family residential character of a neighborhood by ensuring that the accessory living unit is permitted only in an owner-occupied house and under such conditions as to protect the property values and the health, safety and welfare of the public.

460:1 An Extended Family Accessory Living Unit shall be allowed in residential zones by special exception from the Board of Adjustment if the Extended Family Accessory Living Unit complies with the following:

The accessory living unit shall be subject to the standards and conditions for a special exception as set forth in this Ordinance.

No more than one accessory living unit shall be allowed per single family dwelling. The accessory living unit shall be included in said single-family dwelling and shall not be permitted within accessory structures located on the same lot as the single-family dwelling.

The single-family dwelling or the accessory living unit shall not be converted to a condominium or any other form of legal ownership distinct from the ownership of the existing single-family dwelling. An accessory living unit shall be recorded by deed addendum at the Registry of Deeds, indicating the conditions and limitations of the approval granted.

The single-family dwelling to which an accessory living unit has been added shall be owner-occupied.

Accessory living units will be allowed only as part of single family detached housing.

The accessory living unit, and any related changes to the property, shall be designed so that the appearance remains that of a single-family residence and is consistent with the single family character of other residences in the neighborhood. Any new entrances shall be located on the side or in the rear of the building.

The accessory living unit shall have convenient and direct access to the principal dwelling unit.

The accessory living unit shall be no more than 500 square feet in size, shall be clearly accessory to the principal dwelling unit and shall consist of no more than one bedroom.

Any and all construction shall be in accordance with the building standards of the Town of Atkinson in effect at the time of construction.

In accordance with the standards of the Town and the standards of the New Hampshire Water supply and Pollution Control Division, the septic facilities shall be adequate to service both the existing single-family dwelling and the accessory living unit.

The occupancy shall be limited to a specific extended family member(s). For the purposes of this ordinance, extended family is defined as parents (and their spouses), grandparents (and their spouses), children (and their spouses), grandchildren and persons under legal guardianship. IN the event specific extended family member(s) vacate said unit, the special exception shall expire and any new occupancy shall require a new special permit exception application. (adopted 3/95)