

ZONING BOARD OF ADJUSTMENT
21 ACADEMY AVENUE
ATKINSON, NEW HAMPSHIRE 03811
Tel. (603)362-5761 – FAX (603) 352-5305

Atkinson Regulation and Use Book issue dated March 1999

SECTION 450. ACCESSORY USES: HOME OCCUPATIONS

450:0 All home occupations except those exempted under Section 450:4 shall be required to apply for a Home Occupation Permit. (1992)

450:1 A permit for a home occupation shall be allowed in residential zones by special exception from the Board of Adjustment if the occupation complies with the following:

A proposed occupation shall be incidental and secondary to the use of the property as a dwelling and shall not consume more than 20% of the gross residential building space, and not change the residential character of the premises thereof. (1992)

Unless exempted by Section 450:4-a, no home occupation shall take place in a multi-family dwelling.

The occupation may be carried on by the occupant's immediate family residing at that location and by one or more additional employees whose aggregate hours of work at that location do not exceed eighty hours per week (80 hours/week).

There shall be no physical evidence of equipment or materials outside the dwelling.

Adequate off-street parking areas must be provided. Parking areas in excess of those necessary for normal residential purposes may be allowed in side and rear yards only provided the residential character of the environment is preserved. (1992)

When necessary, further restrictions shall be placed on the occupation in order to comply fully with Article IV, Section 400:2 of this ordinance.

A permit to operate a home occupation shall be issued to the owner/occupant only and is not transferable to a subsequent owner.

The applicant shall complete and sign a form that sets forth the nature of the home occupation and provides details of the business and its scope of operation.

No home occupation that will result in heavy truck use in excess of 20,000 lbs. Gross vehicle weight shall be allowed. (1992)

Vehicles registered to a home business or occupation must comply with the provisions of Section 480:1. (1992)

450:2 Nature of the Permit

Permits shall be issued by the Board of Adjustment.

Prior to the issuance of a permit, the Board of Adjustment shall hold a public hearing. Abutters will be notified of the time and date of the hearing by certified mail, such letter to include a description of the home occupation applied for and its location.

Before a permit is granted, mandatory building inspections shall be made by the Town if it is a Family Group Day-Care Home Facility, or if the public is to be served or persons outside the family are to be employed at the proposed location or if hazardous materials are to be stored there. In addition, a formal site plan review may be required if deemed necessary.

No more than one business permit can be in effect for any one location.

A permit is valid only for two (2) years and only for the owner/occupant and location for which it is issued. A renewal permit shall be required after two (2) years.

Annual inspections of the home occupation/home business premises may be required subsequent to the issuance of a permit in order to confirm compliance with the conditions of the original special exception granted. If, in the opinion of the Board of Selectmen, initial approval have changed, it shall revoke the permit that was issued. Permit holders whose permits are revoked may make application to the Board of Adjustment for a new permit based on the changed circumstances of the business.

450:3 Fees

There will be an initial permit fee as set by the Selectmen plus the cost of certified mail to each abutter including the applicant and the cost of all initial inspections deemed necessary.

Any inspection required by the Town subsequent to the issuance of a permit shall be paid by the permit holder. Any renewal permit shall require a fee as determined by the Board of Selectmen.

450:4 Exemptions from permit application requirements

Home occupations in which neither customers nor vehicles come to the location where the business activity takes place and at which no sign is displayed and no outside person is to be employed and there is no outward appearance of business activity.

Agricultural activity, including farming and forestry, in which products are grown on the premises and sold on or off the premises.

Home occupations for which permits were officially issued by the Planning Board and in effect on or before March 8, 1984, with such permits automatically becoming subject to Section 450:2-f. (1984