

# ZONING BOARD OF ADJUSTMENT (ZBA) REVIEW PROCESS

## ZBA Application Types:

- **Variance** - A waiver or relaxation of a particular requirement of an ordinance where strict enforcement would cause undue hardship because of circumstances unique to the property.
- **Special Exception** – Use of land or buildings that is permitted, subject to specific condition. Use is listed as permitted by *Special Exception* in the *Table of Permitted Uses*.
- **Equitable Waiver** - Through no fault of your own a non-conforming condition exists
  - **Four Findings:**
    - a. Honest mistake                      Cost of correcting the mistake outweighs any public benefit.
    - b. Lack of discovery                      No diminution in value of surrounding property
- **Accessory Living Unit – ALU**, living quarters set up to accommodate a family member based on the criteria outlined in the town of Hudson Zoning Ordinance.
- **Home Occupation Special Exception** – Sales of goods or other business conducted out of existing residence.

## 1. Consult with Community Development Dept (CDD) for a Zoning Determination

Staff to review zoning and other issues that may affect our request.  
Staff will assist applicant with request for a zoning determination.

## 2. Submit a Request for Zoning Determination (in writing) with CDD

Staff will respond with a written zoning determination. The determination will be mailed to applicant, and distributed to the Planning Board and Zoning Board of Adjustment.

## 3. Submit ZBA Application

All supporting docs for review, in accordance with the application instructions, are due to achieve application acceptance, this includes all applicable application fees.

4. Application is placed on next available ZBA agenda for public hearing.

## 2b. A Wetland Special Exception

If it is determined that a “Wetland Special Exception” is required, application must go before the Conservation Commission and Planning Board for review and comments. ZBA will consider recommendations by the Conservation Commission and Planning Board in their decision.

Note: Planning Board review is not applicable to single and two family dwellings.

## 5. ZBA Public Hearing

- Application acceptance or denial by ZBA.
- ZBA approves, approves with conditions, or denies the appeal for relief from Zoning Ordinance requirements.
- ZBA issues a written decision.
- After endorsement of the written decision, the document is recorded at the Hillsboro County Registry of Deeds (HCRD).
- At completion of the 30-day appeal period a building permit can be issued (if applicable) and work can commence.

**Note: the 30-day appeal period may be waived with ZBA approval.**