

Zoning Variance FAQs

Q: What is a variance?

A variance is relief from the strict application of the Borough Zoning Ordinance for a property the applicant seeks to develop or modify.

Q: What are the grounds required to obtain a variance?

An applicant must show that the property's size, shape, or location makes it unsuitable for development or change under the strict requirements of the Borough Zoning Ordinance.

Q: Who determines whether a variance will be granted?

The Zoning Hearing Board, an independent body separate from Borough Council, holds a hearing, receives evidence, and makes the final decision on a variance request.

Q: What is the legal standard the Zoning Hearing Board uses to decide on a variance?

The Pennsylvania Municipalities Planning Code (Section 910(2)(a)) and the Newtown Borough Zoning Ordinance (Section 1007) establish five criteria the Board must consider:

1. The property has unique physical circumstances or conditions—such as irregular, narrow, or shallow lot dimensions, exceptional topography, or other physical features—so that any unnecessary hardship arises from these conditions, not from the zoning requirements applied to other properties in the area.
2. Because of these physical conditions, it is unlikely the property can be developed in strict conformity with the Zoning Ordinance, and a variance is necessary to enable reasonable use.
3. The unnecessary hardship was not created by the applicant.
4. The variance, if granted, will not alter the essential character of the district or neighborhood, substantially impair the appropriate use or development of adjacent properties, or be detrimental to public welfare.
5. The variance represents the minimum relief necessary and the least modification possible of the regulation in question.

Q: What is an "unnecessary hardship"?

An unnecessary hardship affects the ability to use the property as it is zoned. It is not a request for personal convenience or benefit, such as obtaining more space.

Q: Is a lawyer required to apply for a variance?

No. Applicants may represent themselves before the Zoning Hearing Board, although legal advice or representation may be helpful in certain cases.

Q: Does the Zoning Hearing Board only grant or deny variance requests?

No. The Board may also attach "reasonable conditions" to the approval of a variance.

Q: Is the Zoning Hearing Board's decision final?

No. An applicant who is denied a variance has an automatic right to appeal to the Court of Common Pleas of Bucks County.

Newtown Borough

23 North State Street
Newtown, Pennsylvania 18940
215- 860-8559

** OFFICE USE ONLY **

Date Received: _____
Zoning District: _____
Tax Parcel No.: _____
Zoning Permit No.: _____

Application for a Zoning Permit

Application is hereby made for a permit in conformity with requirements of the Pennsylvania Municipalities Planning Code, Current Newtown Zoning Ordinance and any amendments thereto for the following described work:

I. PROPERTY INFORMATION

Residential

Non-Residential

Tax Parcel Number:

Newtown Zoning District:

Proposed Work Site Address:

Lot Width:

Lot Depth:

(Acres or Sq.ft.)

Lot Size:

Property within Floodplain Yes No If Yes, Market Value of Property:

Do you have an elevation certificate Yes No If Yes, please attach a copy with submission

Property located in Historic District Yes No If Yes, also complete the Application for Certificate of Appropriateness

II. CONTACT INFORMATION

Applicant: _____ email: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Phone: _____ Fax: _____

(If different than Applicant)

Property Owner: _____ email: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Phone: _____ Fax: _____

Contractor: _____ email: _____

Mailing Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Phone: _____ Fax: _____

III. CONSTRUCTION

Erect a Structure Principal Accessory **Size** (length, width and height) i.e. 20' L, 15' W, 12' H: _____

Add to a Structure Principal Accessory **Size** (length, width and height) i.e. 20' L, 15' W, 12' H: _____

Change of Use Existing: _____ Proposed: _____

Erect a Fence Height: _____ (feet) **Install a Swimming Pool** In-ground Above-ground

Erect a Sign (Provide sign proof along with plot plan) **Sign Copy Change** (Provide sign proof)

Type: Wall Mounted Ground Other

Height (distance from top of sign to ground): _____ (feet) **Size** (length and height of sign face) i.e. 6' L x 18" H: _____

Off-street Parking Area or Parking Lot **Establish a Home Occupation**

Other (Please Specify): _____

IV. PROJECT DESCRIPTION *Provide a brief description of the proposed project.***Proposed Cost of Construction:** _____**Street Access:**

Municipal

State

Other

V. PLOT PLAN**PLEASE INCLUDE THE FOLLOWING:**

1. Indicate the length of all property lines
2. Show all existing and proposed structures on property and the distance from the structure to the property lines and each other.
3. Indicate name of streets abutting property
4. Identify all bodies of water and show distance to proposed structure(s)
5. Show driveway locations
6. Label distances from principal structure to proposed accessory structure(s)

IMPERVIOUS SURFACE AND BUILDING COVERAGE CALCULATION SHEET

All permit applications for primary structures, additions, accessory structured, swimming pools, driveways, or other structures must be accompanied by a plot plan indicating all structures and impervious surfaces that exist on the property, including the proposed construction.

The maximum allowable impervious surface in (SEE TABLE 1)

The maximum allowable building coverage in (SEE TABLE 2

Please complete the following, where applicable:

- A: Square footage of primary building(s), including additions _____
- B: Square footage of carport or garage _____
- C: Square footage of pool _____
- D: Square footage of shed or detached accessory structures _____
- E: Square footage of covered porch(s) _____
- F: Square footage of additional proposed construction Total _____
- G: square footage of building coverage _____
- H: Square footage of driveway _____
- I: Square footage of sidewalks (Not including public sidewalks) Square _____
- J: footage of concrete patio(s) or pavers _____
- K: Total square footage of impervious surface _____

L: **TOTAL SQUARE FOOTAGE OF THE LOT:**
M: **TOTAL ALLOWABLE BUILDING AREA:**

Table 1 Max. Impervious

BR-1	50%
BR-2	55%
BR-3	60%
BR-4	60%
BPS	60%
TC non-residential	75%
TC residential	65%
V-1 non residential	75%
V-1 residential	65%
V-2 ALL	60%
B 1 & B 2 ALL	60%

Table 2 Max. Bldg Coverage

BR-1	20%
BR-2	30%
BR-3	40%
BR-4 1 & 2 Family	60%
BR-4 Multi Family & Townhouses	70%
BPS	45%
TC non-residential	60%
TC residential	50%
V-1 non residential	45%
V-1 residential	45%
V-2 ALL	45%
B-1 & B 2 ALL	45%

Multiply "L" by your percentage from Table 2, if greater than "G" your application may be approvable.

I hereby authorize the Newtown Borough Staff to perform inspections related to this application as may be required during normal business hours. The applicant understands and agrees to comply with the Pennsylvania Municipal Planning Code and Zoning Ordinance, as amended. All information supporting this application shall become part of the records of the Municipality, cannot be returned and may be examined by the public at any time during the normal working hours of the Municipal Office.

Application is hereby made for a permit to erect or alter a structure which shall be located as shown on the attached diagram/plot plan and/or to use the premises for the purposes herewith. The information which precedes, together with the plot plan/diagram, is made part of this application by the undersigned. It is understood and agreed by the applicant that any error, misstatement or misrepresentation of material, fact, either with or without intention on the part of this applicant, such as might or would operate to cause a refusal of this application or any change in the location, size or use of structure or land made subsequent to the issuance of this permit without approval of the Zoning Officer, shall constitute sufficient ground for the revocation of this permit.

Applicant Signature: _____

Date: _____

Owner Signature: _____

Date: _____

BOTH SIGNATURES ARE REQUIRED IF APPLICANT IS DIFFERENT THAN OWNER

**** OFFICE USE ONLY ****

Meeting Dates (if applicable)

Historic: _____

Approved: ☐ Yes ☐ No

ZHB: _____

Approved: ☐ Yes ☐ No

Planning: _____

Approved: ☐ Yes ☐ No

JHC: _____

Approved: ☐ Yes ☐ No

PA UCC Construction Permit Required: ☐ Yes ☐ No ☐

Approved ☐ Denied

Zoning Fee: _____

Balance Due: _____

Application Fee Paid: _____

Zoning Officer Signature: _____

Date Paid: _____

Date: _____

If the permit is denied, the zoning officer shall note the applicable sections/basis of denial below:

A copy of the official letter of denial must be attached to this application.