

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.

Application for a Zoning Permit

Newtown Borough

OFFICE USE ONLY

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

Application is hereby made for a permit in conformity with the Pennsylvania Municipalities Planning Code, the Newtown Borough Zoning Ordinance, and all amendments thereto for the work described below.

I. PROPERTY INFORMATION

Property Type: Residential Non-Residential

Tax Parcel Number: _____

Zoning District: _____

Proposed Work Site Address: _____

Lot Information:

Lot Width: _____ Lot Depth: _____ Lot Size (acres or sq. ft.): _____

Property within Floodplain: Yes No

If yes, market value of property: _____

Elevation Certificate Provided: Yes No If yes, attach copy with submission.

Property Located in Historic District: Yes No If yes, Certificate of Appropriateness required

II. CONTACT INFORMATION

Applicant

Name: _____

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Property Owner (if different from applicant)

Name: _____

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Contractor

Name: _____

Email: _____

Mailing Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

III. CONSTRUCTION INFORMATION

Proposed Work (check all that apply):

Erect a Structure
 Principal Accessory
Size (L × W × H): _____

Addition to a Structure
 Principal Accessory
Existing Size (L × W × H): _____
Proposed Size (L × W × H): _____

Change of Use

Erect a Fence
Height (feet): _____

Install a Swimming Pool
 In-ground Above-ground

Erect a Sign (attach sign proof and plot plan)

Sign Copy Change (attach sign proof)

Sign Type: Wall Mounted Ground Other: _____

Height (feet): _____

Sign Face Size (L × H): _____

Off-Street Parking Area or Parking Lot

Establish a Home Occupation

Other (specify): _____

IV. PROJECT DESCRIPTION

Provide a brief description of the proposed project:

Proposed Cost of Construction: \$ _____

Street Access: Municipal State Other: _____

V. PLOT PLAN REQUIREMENTS

Attach a plot plan that includes the following:

- Length of all property lines
- All existing and proposed structures and distances to property lines and each other
- Names of streets abutting the property
- Bodies of water and distances to proposed structures
- Driveway locations
- Distances from principal structure to accessory structures

IMPERVIOUS SURFACE AND BUILDING COVERAGE CALCULATIONS

All permit applications involving structures, additions, pools, driveways, or other impervious surfaces **must be accompanied by a plot plan** that includes all structures and impervious surfaces both existing and proposed.

Maximum allowable impervious surface: See Table 1
 Maximum allowable building coverage: See Table 2

Table 1 Maximum Impervious		Table 2 Maximum Building Coverage	
BR-1	50%	BR-1	20%
BR-2	55%	BR-2	30%
BR-3	60%	BR-3	40%
BR-4	60%	BR-4	60%
BPS	60%	BPS	70%
TC non-residential	75%	TC non-residential	45%
TC residential	65%	TC residential	60%
V-1 non-residential	75%	V-1 non-residential	50%
V-1 residential	65%	V-1 residential	45%
V-2 all	60%	V-2 all	45%
B-1 & B-2 All	60%	B-1 & B-2 All	45%

- A. Primary building(s), including additions (sq. ft.): _____
- B. Carport or garage (sq. ft.): _____
- C. Pool (sq. ft.): _____
- D. Shed or detached accessory structures (sq. ft.): _____
- E. Covered porch(s) (sq. ft.): _____
- F. Additional proposed construction (sq. ft.): _____
- G. Total building coverage (sq. ft.): _____
- H. Driveway (sq. ft.): _____
- I. Sidewalks (excluding public sidewalks) (sq. ft.): _____
- J. Concrete patio(s) or pavers (sq. ft.): _____
- K. Total impervious surface (sq. ft.): _____
- L. Total lot size (sq. ft.): _____
- M. Total allowable building area _____

Multiply L by the percentage listed in Table 1. If the resulting value exceeds K, the application is approvable.

Multiply L by the percentage listed in Table 1. If the resulting value exceeds G, the application is approvable

AUTHORIZATION AND CERTIFICATION

I authorize Newtown Borough staff to conduct any inspections required for this application during normal business hours. The applicant agrees to comply with the Pennsylvania Municipal Planning Code and the Borough Zoning Ordinance, as amended. All materials submitted with this application become part of the Borough’s permanent records, are not returnable, and are subject to public inspection during normal business hours. This application is made for a permit to erect or alter a structure and/or to use the premises as shown on the submitted plot plan or diagram, which is incorporated by reference. The applicant acknowledges that any material error, misstatement, or misrepresentation, whether intentional or not, or any change in location, size, or use of a structure or land made without approval of the Zoning Officer, shall constitute grounds for permit revocation

Applicant Signature: _____ Date: _____

Owner Signature: _____ Date: _____

(Both signatures are required if applicant is different from owner.)

OFFICE USE ONLY

HARB Review: Yes No Date: _____ ZHB: Yes No Date: _____

Planning Review: Yes No Date: _____ JHC: Yes No Date: _____

Approved: Yes No

PA UCC Construction Permit Required: Yes No

Zoning Fee: \$ _____ Application Fee Paid: Yes No Date Paid: _____ Balance Due: \$ _____

Zoning Officer Signature: _____ Date: _____

If denied, attach copy of official denial letter note applicable ordinance sections and basis for denial below:
