

TOWNSHIP OF WARWICK

Administration Building, 1733 Township Greene, Jamison, PA 18929-1621

phone: 215/343-6100
fax: 215/343-4407
www.warwick-bucks.org

Zoning Hearing Board Information

General Information

The Commonwealth's Municipal Planning Code (MPC) requires that a hearing be held within sixty (60) days of application, with appropriate scheduling and notification.

It is the current policy of the Warwick Township Zoning Hearing Board to cause a legal advertisement to appear two (2) weeks in advance of the hearing date, as well as post the subject property with legal notice. Residents and land owners with property within a 300 feet radius of the subject property will be notified via first class mail.

All applicants must make an appointment to submit and review the application with the Zoning Officer.

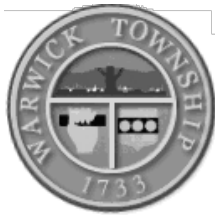
If you have any questions, please contact the Warwick Township Director of Planning and Zoning at 215-343-6100 or kbeach@warwick-township.org.

This application is also available on our website at www.warwick-bucks.org.

General Instructions for Zoning Hearing Board Applicants

1. All information requested on the application must be furnished with supporting documents. In particular, provide a copy of the deed, lease, agreement of sale, or other documents, which establishes the authority of the applicant to seek relief from the Zoning Hearing Board.
2. Legal advertising of hearing scheduled by the Board to consider your application will be based upon the information contained in this application. Any omissions or inaccuracies will be the sole responsibility of the applicant.
3. The applicant or representative must be present at the hearing or the petition will be dismissed, unless postponed by the Zoning Hearing Board. Only an attorney recognized by the State of Pennsylvania may represent an applicant, as this is a quasi-judicial hearing, or the applicant may represent himself or herself.
4. At all hearings, proof of the title to the property affected must be available to the Zoning Hearing Board, whether the applicant's interest be as owner, tenant, purchaser or in any other capacity.
5. Indicate under Item 1 of the Zoning Hearing Board Application, the nature of your appeal or request to the Board. For each block checked in Item 1, complete all information requested in Items 16 through 20.

6. The following must accompany all applications to be considered a valid application by Warwick Township:
 - a. A filing fee and escrow* deposit in accordance with the fee schedule in effect at the time of application. **Release of escrow shall be requested upon receiving the written decision.*
 - b. Three (3) paper copies and one (1) electronic copy of the plot plan*, drawn to scale, showing the real estate affected, indicating the location and size of all improvements existing and proposed. **Signed and sealed plans are strongly encouraged when pursuing dimensional variances.*
 - c. A list of all properties within three hundred (300) feet of the subject property, including those located opposite the property across any adjoining road or street. This list shall be made on the form provided and shall include the tax map parcel number of each adjoining property, the mailing address of each property, and the owner's name. If more space is required, please attached an extra sheet with the additional properties listed in the same format.
7. The Zoning Hearing Board has the following powers:
 - a. To hear and decide appeals from the decision or any administrative official in the enforcement of the Zoning Ordinance and amendments thereto. Such appeals must be made within thirty (30) days after the date of the decision.
 - b. To grant, upon application in specific cases, Special Exceptions to the terms of the Zoning Ordinance and amendments thereto, where such a Special Exception is authorized by the Zoning Ordinance for the district within which the subject premises lies; where the use and/or premises conform to the standards and criteria set forth by the Zoning Ordinance as prerequisites for the grant of such Special Exception. The burden of proof shall be upon the applicant to show that the Special Exception requested is one authorized by the Zoning Ordinance for the subject premises and proposed use. The burden of proving that the grant of such Special Exception would be contrary to the public interest shall be upon those opposing the grant of such Special Exception.
 - c. To authorize upon appeal in specific cases such as a variance from the terms of the Zoning Ordinance and amendments thereto, as will not be contrary to the public interest. The Board may only grant such a variance where, owing to special conditions, a literal enforcement of the Zoning Ordinance will result in unnecessary hardship. The burden of proof of the unnecessary hardship, as defined by law, shall rest on the applicant. The circumstances must be unique and directly apply to the applicant's particular property and no other. The possibility of the applicant's earning a financial return if a variance were granted does not in itself constitute sufficient reason for such a variance.
8. All meetings of the Zoning Hearing Board are open to the public.
9. No decision by the Zoning Hearing Board relieves any applicant from the responsibility of obtaining any permits in the manner prescribed by the Zoning Ordinance.
10. All non-residential applications will appear before the Board of Supervisors prior to appearing before the Zoning Hearing Board.



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Zoning Hearing Board Application

Three (3) paper copies and one (1) electronic copy of this application, including all plans and drawings must be submitted to the Zoning Officer together with the application fee and associated escrow. No application will be accepted without an adequate plan of the subject premises.

DOCKET NUMBER _____

1. The undersigned application hereby (check appropriate letter(s):
 - a. _____ appeals from a determination of the Zoning Officer
 - b. _____ requests a Special Exception
 - c. _____ requests a Variance
 - d. _____ challenges the validity of a Zoning Ordinance or map
 - e. _____ requests other relief within the jurisdiction of the Zoning Hearing Board as established in §909.1(a) of the Pennsylvania Municipalities Planning Code.

The following is a list of questions designed to assist you and the Zoning Hearing Board in the review of your appeal. Please thoroughly answer all questions which are applicable to your appeal and return this form to the Zoning Officer when you file your application. Please type or print clearly.

2. Name and address of property owner: _____

Telephone number: _____
Email address: _____
3. Name and address of applicant: _____

Telephone number: _____
Email address: _____
4. If the applicant is not the owner, state applicant's authority to bring this application, full name and mailing address, and the specific interest in the appeal. (i.e. agent for owner, equitable interest, agreement of sale, etc.)
5. Address of property affected by this appeal: _____

6. Has any previous application of appeal been filed in connection with these premises: _____
7. Tax Parcel # of property: _____
8. Present zoning classification of property: _____
9. Present use of property: _____

10. Describe the buildings and other present or proposed improvements on the property: _____

11. State the size of the property: _____
12. What are the exact dimensions of the premises (i.e. the length of the front, side, and rear boundary lines of the subject property): _____

13. What was the date of acquisition of the subject premises by the owner?

14. What is the approximate cost of work involved? _____
15. Please briefly describe the dimensions (height, width and depth), type of construction (materials used) and front, side and rear yard setbacks of the buildings, structures or other improvements (including signs) existing and proposed for the subject premises. _____

UPON WHAT GROUNDS DO YOU BASE THIS APPEAL?

16. If you are appealing from a determination of the Zoning Officer, complete the following:
 - a. The action taken was: _____
 - b. The date action taken: _____
 - c. You believe the action was in error because: _____

 - d. Attach a copy of any written order issued by the Zoning Officer in connection with this matter.
 - e. If you allege the existence of a non-conforming use, state the nature of such use, and the date on which it began: _____

17. If you are challenging the validity of a Zoning Ordinance or map, complete the following:
 - a. Identify the provision of the Ordinance or map which you believe to be invalid: _____
 - b. The challenge is ripe for decision because: _____

- c. The provision challenged is invalid because: _____

18. If you are requesting a Special Exception, complete the following:
- a. Nature of Special Exception sought is: _____

- b. The Special Exception is allowed under Article _____,
 Section _____, Subsection _____ of the Warwick Township
 Zoning Ordinance. (If more than one exception is requested, list ordinance
 references on a separate page.)
- c. The reason for the request is: _____

19. If you are requesting a variance, complete the following:
- a. Nature of variance sought: _____

- b. The Variance is from Article _____ Section _____
 Subsection _____ of the Warwick Township Zoning
 Ordinance. (If more than one variance is requested, list ordinance references
 on separate page.)
- c. The nature of the unique circumstances and the unnecessary hardship
 justifying this request for a variance is: _____

20. If you are requesting other relief within the jurisdiction of the Zoning Hearing
 Board, complete the following:
- a. The nature of the relief sought: _____

- b. If you are requesting relief from a determination of a Township Official,
 attach a written copy of that determination and state the reason the
 determination was in error, including reference to applicable statutes or
 ordinances: _____

21. Attach a plot plan of the real estate affected in this application, depicting the
 location, size of the lot, size of the improvements, now or proposed to be
 erected, or other changes desired, together with any other information required
 by the Zoning Hearing Board in order to review the application. All plot plans
 shall contain impervious and building coverage calculations. All commercial and
 residential zoning hearing board applications shall require sealed plans drafted
 by a design professional when the application involves any of the following: new
 construction (dwelling, pool, garage, etc.), additions, parking lot alterations,
 increases in impervious coverage, and dimensional variance requests.
 Applications involving commercial use changes may require a sealed plot plan
 depending on the specific conditions. Consult the Zoning Officer if unsure of the

requirements. All plot plans must be accurately drawn to one of the following scales:

1" = 20' 1" = 30' 1" = 40' 1" = 50'

22. By filing this application, applicant agrees to reimburse Warwick Township for all costs incurred by the Township in the processing of this application to the extent that those costs exceed the filing fee.

23. Please check the appropriate letter as it pertains to your legal representation:

a. _____ I am not represented by an attorney in connection with the application.

b. _____ In connection with this application, I am represented by:

Address _____

Telephone Number: _____

I HEREBY CERTIFY THAT ALL THE ABOVE STATEMENTS CONTAINED IN ANY PAPER OR PLOT PLAN SUBMITTED HERewith ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.

APPLICANT SIGNATURE: _____

DATE: _____

For Further information see the following sections of the Warwick Township Code:

Variances:

<http://www.ecode360.com/?custId=WA1313&guid=11667760&j=13>

Special Exceptions:

<http://www.ecode360.com/?custId=WA1313&guid=11667769&j=13>

Additional jurisdiction of the Board:

<http://www.ecode360.com/?custId=WA1313&guid=11667780&j=13>

COMMONWEALTH OF PENNSYLVANIA

ss.

COUNTY OF BUCKS

The undersigned, being duly sworn according to law, deposes and says that he/she is the above-named applicant, that he/she is authorized to, and does, take this affidavit on behalf of the owner, and the foregoing facts are true and correct.

(Applicant)

Sworn and subscribed before me this

_____ day of _____ 2 _____

(Notary Public)

(Date Received)

(Zoning Officer)

The following is a complete list of names and addresses of all persons owning property which is located within 300 feet from the exterior limits of the property involved in this appeal, including those located opposite the property across any adjoining road or street. Names and addresses must be obtained from the current Tax Duplicates as prepared by the Bucks County Board of Assessments. Please print legibly.

Tax Map # of Property:	Name and Address of Owners:
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____
13. _____	_____
14. _____	_____
15. _____	_____
16. _____	_____
17. _____	_____
18. _____	_____
19. _____	_____
20. _____	_____
21. _____	_____
22. _____	_____
23. _____	_____
24. _____	_____
25. _____	_____
26. _____	_____
27. _____	_____
28. _____	_____
29. _____	_____
30. _____	_____
31. _____	_____
32. _____	_____
33. _____	_____
34. _____	_____
35. _____	_____
36. _____	_____
37. _____	_____
38. _____	_____
39. _____	_____

40. _____
41. _____
42. _____
43. _____
44. _____
45. _____
46. _____
47. _____
48. _____
49. _____
50. _____

§195-115 Variances

A. The Board shall hear requests for variances where it is alleged that the provisions of this chapter inflict unnecessary hardship upon the appellant. The Board may grant a variance, provided that the following findings are made where relevant in a given case:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions and not the circumstances or conditions generally created by the provisions of this chapter in the neighborhood or district in which the property is located.

(2) That, because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located nor substantially or permanently impair the appropriate use or development of adjacent property nor be detrimental to the public welfare.

(5) That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

B. In granting any variance, the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter.

C. Life of decision. A variance granted by the Zoning Hearing Board in accordance with this section shall expire one year from the date of the decision, unless the applicant or owner or successor in interest has commenced construction within that time. Construction will be deemed commenced upon the issuance of a building and/or zoning permit for the approved use.

§195-116 Special Exceptions

A. The Zoning Hearing Board shall have the power to approve special exceptions when this chapter specifically requires the obtaining of such approval and for no other use or purpose.

B. The Zoning Hearing Board shall grant a special exception only if it finds adequate evidence presented by the applicant that the proposed special exception is duly authorized under provisions of this chapter; that the application falls within the terms of the specific provisions allowing for special exceptions; and that the proposed use complies with all other requirements of this chapter. The Zoning Hearing Board, in granting a special exception, may attach such reasonable conditions and safeguards as it may deem necessary to implement the purpose of this chapter. The Board shall, among other things, require that any proposed use and location be:

(1) In accordance with the Township Comprehensive Plan and consistent with the spirit, purpose and intent of this chapter.

(2) In the best interests of the Township and the public welfare.

(3) Suitable for the property in question and designed, constructed, operated and maintained so as to be in harmony with and appropriate in appearance to the existing or intended character of the general vicinity.

(4) In conformance with all other applicable requirements of this chapter and other Township ordinances.

(5) Suitable in terms of effects on highway traffic and safety with adequate access arrangements to protect streets from undue congestion and hazard.

(6) In accordance with sound standards of subdivision and land development practice where applicable.

(7) Suitable in terms of impact on surrounding residential properties and compatible with adjacent uses.

C. Life of decision. A special exception granted by the Zoning Hearing Board in accordance with this section shall expire one year from the date of the decision, unless the applicant or owner or successor in interest has commenced construction within that time. Construction will be deemed commenced upon the issuance of a building and/or zoning permit for the approved use.

195-117 Additional Jurisdiction of Board

The Zoning Hearing Board shall hear the following matters:

- A. Appeals from determinations by the Township Engineer or Zoning Officer on the floodplain provisions of Article [XXV](#) of this chapter.
- B. Appeals from the Zoning Officer's preliminary opinions under Section 916.2 of the Municipalities Planning Code, as amended. **Editor's Note: See 53 P.S. § 10101 et seq.**
- C. Appeals from determinations by the Township Engineer or Zoning Officer for erosion or stormwater management not involving a subdivision or planned residential development.