



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

General Information to All Applicants

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 Zoning Hearing Board to cause a legal advertisement to appear two (2) and three (3) weeks in advance of the hearing date.

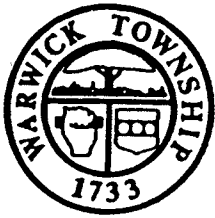
Applicant must make an appointment to submit and review application with the Zoning Officer.

If you have any questions, please contact the Warwick Township Director of Planning and Zoning.

GENERAL INSTRUCTIONS
FOR
ZONING HEARING BOARD APPLICANTS

1. All information requested on application must be furnished with supporting documents. In particular, provide a copy of 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 a Advertising of hearing scheduled by the Board to consider your application will be based exclusively upon the information contained in the application. Any omissions, or inaccuracies will be the sole responsibility of the applicant.
3. Applicant or representative must be present at hearing. Otherwise the petition will be dismissed, unless postponed by the Zoning Hearing Board.
4. At all hearings, proof of 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 applicable Items 16 through 20.
6. The following must accompany all applications to be considered a valid application for processing by Warwick Township:
 - a. A filing fee in accordance with fee schedule in effect at time of application. An escrow deposit is also required.
 - b. Eleven (11) copies of a plot plan, drawn to scale, showing the real estate affected, indicating the location and size of all improvements now erected and the location and size of all proposed improvements to be erected thereon.
 - c. A list of all properties within three Hundred (300) feet of the property in question, 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 and parcel number of each adjoining property and the name and mailing address of each property.
7. The Zoning Hearing Board has the following powers:
 - a. To hear and decide appeals from a decision or determination of 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; and where the public interest will not be unduly injured by 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 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 applicant's earning a greater 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 ordinances.



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ZONING HEARING BOARD OF WARWICK TOWNSHIP

Eleven (11) copies of this application, including all plans and drawings must be submitted to the Zoning Officer together with the application fee. 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 efficient and speedy 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: _____

3. Name and address of applicant: _____

Telephone number: _____

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:
Yes _____ No _____

7. Tax Parcel Number of property: _____

8. Present zoning classification of property: _____

9. Present use of property: _____

10. Describe the buildings and other present or proposed improvements located 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 was taken: _____
 - c. You believe the foregoing 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 separate page.)

c. The reason for the request is: _____

19. If you requesting a Variance, complete the following:

a. Nature of Variance sought is:

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 statues 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 must be neatly prepared and 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 this 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:

Date: _____
_____ (Seal)

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 Number 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. _____

long as they provide a sufficient basis for a preliminary opinion as to their compliance.

- (2) If the Zoning Officer's preliminary opinion is that the proposed use or development complies with the Zoning Ordinance or Map, notice thereof shall be published once each week for two (2) successive weeks in a newspaper of general circulation in the township. The favorable preliminary opinion of the Zoning Officer shall be deemed as preliminary approval, and that time specified for initiating action before the Board shall commence upon the publishing of the second public notice.
- F. When a substantive challenge is upheld by the Zoning Hearing Board or a curative amendment is approved by the governing body, the applicant has two (2) years from the date of approval to file for subdivision approval or one (1) year to file for a building permit.

§ 195-187. Variances.

- A. The Board shall hear requests for variances where it is alleged that the provisions of the Zoning Ordinance 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 the Zoning Ordinance 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 the Zoning Ordinance 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.

§ 195-188. Special exceptions.

Where this chapter has provided for stated special exceptions to be granted or denied by the Board pursuant to express standards and criteria, the Board shall hear and decide requests for such special exceptions in accordance with such standards and criteria. In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in the chapter, as it may deem necessary to implement the purposes of this act and the Zoning Ordinance.

§ 195-189. 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 XVI of this chapter.
- B. Appeals from the Zoning Officer's preliminary opinions under Section 916.2 of the Municipalities Planning Code, as amended.⁶⁰
- C. Appeals from determinations by the Township Engineer or Zoning Officer for erosion or stormwater management not involving a subdivision or planned residential development.

⁶⁰ Editor's Note: See 53 P.S. § 10916.2.