

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Sycamore Equities, LLC

Appeal No. 2021-018

A hearing was held in the above matter on Thursday February 3, 2022 at 7:00 p.m. at the Hilltown Township Municipal Building. Notice of the hearing was published in The Intelligencer advising that all parties in interest might appear and be heard. In addition, the property was posted, and written notice was provided to neighboring property owners as required by the Zoning Ordinance.

The matter was heard before John Snyder, Chairman, David Hersh, and Stephen Yates. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present and was represented by Nathan Fox, Esquire of Obermayer Rebmann Maxwell & Hippel LLP. The following individuals requested and received party status:

<u>Name</u>	<u>Address</u>	<u>Granted/Denied</u>
Christopher Engelhart	808 Blooming Glen Road PO Box 14, Blooming Glen, PA	Granted
Alice Munn	821 Blooming Glen Road PO Box 194, Blooming Glen, PA	Granted
Philip Roth	822 Blooming Glen Road PO Box 41, Blooming Glen, PA	Granted
Craig Smith	823 Blooming Glen Road PO Box 26, Blooming Glen, PA	Granted
Christopher W. Macaulay	820 Blooming Glen Road PO Box 154, Blooming Glen, PA	Granted
Dayle Rittenhouse	836 Blooming Glen Road Perkasie, PA 18944	Granted

The following exhibits were admitted and accepted into evidence:

Zoning Hearing Board's Exhibits

- B-1 Proof of Publication
- B-2 Posting Certification
- B-3 Letter with enclosure dated January 14, 2022 to Neighbors from K. Eberle
- B-4 Entries of Appearances from additional parties

Applicant's Exhibits

- A-1 Application with all Attachments
- A-2 Exhibit packet containing Exhibits 1-6
- A-3 Photographs

No other documentary evidence was submitted or received by the Hilltown Township Zoning Hearing Board. After weighing the credibility of the testimony and documents offered, the Hilltown Township Zoning Hearing Board renders its Decision on the above Application as more fully set forth below.

FINDINGS OF FACT

The Hilltown Township Zoning Hearing Board (the "Board"), having considered the sworn testimony and credibility of all witnesses and the documentary evidence received, and a quorum of members present, hereby makes the following Findings of Fact:

1. Applicant is Sycamore Equities, LLC.

2. Phil Chant, a member of Sycamore Equities, LLC, is also the owner of Chant Engineering.

3. Mr. Chant renovates older buildings throughout Bucks County in order to restore and maintain the character of the buildings while repurposing them for a suitable present-day use.

4. The property that is the subject of this appeal is 819 Blooming Glen Road, Hilltown Township, Pennsylvania and is more specifically identified as Bucks County Tax Parcel No. 15-019-057 (“Property”).

5. The lot approximately 29,141 square feet (net).

6. The Property is located in the VC (Village Center) Zoning District in Hilltown Township.

7. The first improvement on the Property was the construction of church in 1892.

8. In 1909, the church was converted to a high school known as the Hilltown High School and underwent several additions between 1909 and 1954 when the last class graduated from the high school.

9. The Property continued to be used as a school media center until 1972.

10. Following an addition to the side and rear of the building in 1970, the Property became home to the Hilltown Township Administration Building until 1989.

11. Thereafter, the Property was used for storage and for meeting space for the 4H Club and the Boy Scouts.

12. However, the Property has sat vacant for a number of years, and the existing building has fallen into a state of disrepair.

13. The existing building has experienced significant water infiltration as a result of missing roof capping, which has caused damage to the attic, flooring, and main support beams supporting the roof. In addition, dry rot and termites are present throughout the building.

14. In September 2019, Applicant purchased the Property and now seeks to restore the building and convert it to a 7-unit apartment building.

15. After Applicant purchased the Property, the Property's use was changed from the prior community use to a B-1 Single Family Dwelling with an accessory structure, for which Applicant received permits.

16. §160-23.B(5)(a) of the Hilltown Township Zoning Ordinance ("Zoning Ordinance") permits any existing single-family dwelling or accessory structure in the VC Zoning District to be converted to a multifamily dwelling subject to compliance with the remaining provisions of §160-23.B(5).¹

17. On October 21, 2019, Applicant received approval from the Township's Zoning Officer to convert the B-1 Single Family Dwelling use with an accessory structure to a B-5 Conversion use. *See A-2, Exhibits 1-2.*

¹ Despite this, the Table of Uses Regulations in the Zoning Ordinance lists a B-5 Conversion as a conditional use in the VC Zoning District, and Applicant has filed a Conditional Use Application with the Township and hearing before the Board of Supervisors was scheduled for February 28, 2022.

18. Through the renovation and restoration process, Applicant intends to maintain the exterior shell of the existing building and build out the interior to accommodate the apartment units.

19. As proposed, all of the existing arch windows and the existing brick façade will be maintained.

20. In addition, Applicant will maintain the existing roof line with the exception of the addition of proposed dormers.

21. The interior of the building will be done in the modern industrial style with exposed brick and conduits.

22. All 7 units will be luxury efficiency units with a full bath and a half bath.

23. The average approximate size of each unit is 900 square feet.

24. 4 of the 7 units will be two-story lofts.

25. The building will be served by public water and sewer.

26. The building will have 15 parking spaces, including 2 garage spaces.

27. §160-23.B(5)(c) and §160-23.B(5)(h) of the Zoning Ordinance require 4,500 square feet in lot area per dwelling unit.

28. With a net lot area of 29,141 square feet, the Property could only accommodate 6.5 units rather than the proposed 7 units, which would require a net lot area of approximately 31,500 square feet.

29. Accordingly, Applicant is seeking a variance from §160-23.B(5)(c) and §160-23.B(5)(h) of the Zoning Ordinance in order to permit 7 units on the Property.

30. Applicant next requests a variance from §160-23.B(5)(g) of the Zoning Ordinance or, in the alternative, a determination that this variance is not required as the fire escapes/exterior staircases will not be in sight from the front elevation but only viewable from the side evaluation.

31. §160-23.B(5)(g) requires that outside fire escapes or stairways to be located to the rear of the building “where they are not visible from the street.”

32. The fire escapes and exterior staircases, as proposed by Applicant, will be located on the side of the building and only visible from the side elevation and not the front elevation.

33. The Board finds that the proposed location of the outdoor fire escapes and stairways meets the requirements of §160-23.B(5)(g) and no variance is required.

34. Finally, Applicant requests a variance from §160-23.B(5)(f) of the Zoning Ordinance, which provides that the size of the building shall not be increased to accommodate a greater number of dwelling units, or in the alternative, a determination that this variance is not required as the size of the building should be measured in floor area.

35. The Board finds that the size of the building should be measured in floor area, and Applicant’s proposed plans do not increase the size of the building.

36. Accordingly, the Board finds that Applicant is in compliance with §160-23.B(5)(f) of the Zoning Ordinance and that no variance is required.

37. Neighbors expressed concerns regarding the increase of traffic and whether residents and guests would park on the street.

38. Applicant has agreed to pursue the installation of a sign indicating that parking on the street was not permitted.

DISCUSSION:

Applicant is before this Board requesting relief in connection to a proposed B-5 Conversion from a single-family dwelling to a luxury apartment building consisting of 7 efficiency dwelling units.

In considering applications for a variance, this Board is required to apply the provisions of Section 10910.2 of the Municipalities Planning Code. The Board has the authority to grant a variance if it finds that an applicant has met its burden of proof for the following five elements: first, that the property has unique physical circumstances, peculiar to the property, and not generally created by the Zoning Ordinance; second, that an unnecessary hardship exists, due to the uniqueness of the property, resulting in an applicant's inability to develop or have any reasonable use of the property; third, that the applicant did not create the hardship; fourth, that the grant of a variance will not alter the character of the neighborhood or be a detriment to the public welfare; and fifth, that the variance is the minimum necessary to afford relief. 53 P.S. § 10910.2(a). In the case of *Hertzberg vs. Zoning Board of Adjustment of the City of Pittsburgh*, 721 A. 2d 43 (S. Ct. – 1998), the Supreme Court of Pennsylvania held that the grant of a dimensional variance is of lesser moment than the grant of a use variance, and the proof required to establish unnecessary hardship is lesser when a dimensional, as opposed to a use variance, is sought.

Based on the above, the Board finds that Applicant has shown the existence of a hardship, not self-created, and unique and peculiar to the Property, which requires the grant of the variances from Zoning Ordinance §160-23.B(5)(c) and §160-23.B(5)(h) in order to permit 7 efficiency dwelling units on the existing lot. The Board further finds that Applicant's proposed plans are in conformity with §160-23.B(5)(g) and §160-23.B(5)(f) of the Zoning Ordinance, and no variances are required. Additionally, the Board finds that the relief as requested would not be injurious to the health, safety, and welfare of the surrounding community and constitutes the minimum relief necessary to afford Applicant the opportunity to reasonably use the Property.

DECISION AND ORDER

AND NOW, this 18th day of March, 2022 the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The proposed construction shall be done in accordance with exhibits and testimony presented at the hearing,
2. Applicant shall comply with all other Township, County, and State laws, regulations with respect to construction and use.

The Hilltown Township Zoning Hearing Board hereby deems the foregoing conditions as necessary and warranted under the terms of the Hilltown Township Zoning Ordinance and the Pennsylvania Municipalities Planning Code.

HILLTOWN TOWNSHIP ZONING HEARING BOARD

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By:


John Snyder

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John Snyder, Chairman

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By:


David Hersh

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David Hersh

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By:

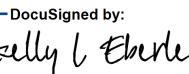

Stephen Yates

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Stephen Yates

GRIM, BIEHN & THATCHER

By:


Kelly L. Eberle

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Kelly L. Eberle, Solicitor
104 South Sixth Street
Perkasie, PA 18944

Date of Mailing:

March 21, 2022