

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Stephen and Marie Haney

Appeal No. 2022-002

A hearing was held in the above matter on Thursday, July 7, 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 C. Yates. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicants were present and represented by Michael Malloy, Esq. Jack Wuerstle, Esq., Solicitor for Hilltown Township was present on the Township's behalf. No individuals requested party status.

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 June 16, 2022 to neighboring property owners from K. Eberle

Applicants' Exhibits

- A-1 3 Page Plot Plan
- A-2 Application with all Attachments

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.

I. 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 with a quorum of members present, hereby makes the following Findings of Fact:

1. Applicants are Steve and Marie Haney.
2. Applicants are the owners of the real property located at 622 Blue School Road, Hilltown Township, Pennsylvania ("Property"), more specifically identified as Bucks County Tax Parcel No. 15-017-030.
3. The Property is a 6.5-acre lot located in the RR (Rural Residential) Zoning District in Hilltown Township.
4. Applicants operate a non-profit organization known as Hope Learning Center ("HLC"), which serves young adults on the autism spectrum.
5. Through personal experience, Applicants have found that resources for highly functioning teenagers nearing adulthood are lacking.
6. HLC holds group meetings, social events, and classes that help encourage growth in social and life skills to assist these young adults transition to the next chapter of their lives and gain greater independence.
7. HLC currently serves two different age groups: 17-21 and 22-28.
8. Each session will be limited to a maximum of 10 students.
9. All HLC students must be college-bound in order to participate.

10. HLC's hours of operation are from approximately 3:30 p.m. until 8:30 p.m., with classes currently held on Tuesdays and social meet ups held on alternating Fridays; however, there could be an additional day added depending on student enrollment.

11. HLC does not offer overnight activities.

12. Applicants' use qualifies as a C11-Day Nursery Use pursuant to Zoning Ordinance §160.23.C(11).

13. A C11 – Day Nursery Use is permitted in the RR Zoning District by special exception.

14. Applicants are currently providing these services in their home but wish to renovate their existing garage in order to use it as a classroom.

15. Applicants will not increase the square footage of the existing garage.

16. Applicants will have six parking spaces immediately adjacent to the garage, eight parking spaces next to the barn, and ten additional parking spaces towards the rear of the Property.

17. Applicant will install an ADA-compliant restroom in the renovated garage.

18. Applicant will not have an outdoor play area, and therefore will not require any sort of buffer yards.

19. Applicants' Property is located on a public road in a low-traffic area.

20. The proposed renovations to the garage will otherwise comply with all zoning requirements.

21. Accordingly, Applicants are requesting a special exception in order to permit a C11 Day Nursery Use at the Property.

II. DISCUSSION:

Applicants are before this Board seeking to renovate their existing garage in order to use it as a classroom space for their non-profit, Hope Learning Center. Applicants are requesting a special exception pursuant to Zoning Ordinance §160-104.B in order to permit a C11 – Day Nursery Use in the RR Zoning District.

A special exception is a use that is expressly permitted in a zoning district as long as certain conditions detailed in the zoning ordinance are found to exist. *Broussard v. Zoning Bd. of Adjustment*, 907 A.2d 494, 499 (Pa. 2006). An applicant seeking a special exception bears the burden of proving that its request complies with the specific, objective requirements contained in the zoning ordinance. *Sheetz, Inc. v. Phoenixville Borough Council*, 804 A.2d 113, 115 (Pa. Cmwlth. 2002). Once the applicant has satisfied this initial burden, the burden then shifts to any objectors to establish that the proposed exception would be detrimental to the public health, safety, and welfare. *Id.*

§160-23.C(11) sets forth the following requirements for a C11-Day Nursery Use:

C11 Day Nursery. Day nursery, nursery school, kindergarten, or other agency giving day care to children or adults, subject to the following additional provisions:

(a) The use shall be conducted in a building designed for residential occupancy and for the safety and well-being of the occupants.

(b) In addition to other required landscaping all outdoor play areas shall be buffered in accordance with § 160-33, Buffer yards, herein.

(c) Where no more than 10 children or adults are involved per session, minimum lot size shall be permitted for use B1. For each additional 10 children or adults per session a similar acreage shall be required.

(d) The establishment must be located on a public street.

(e) Parking: at least one off-street parking space for each teacher, administrator and maintenance employee. Parking areas shall be adequately screened when abutting land zoned for or in residential use in accordance with § 160-33, Buffer yards, herein.

Based on the above, the Zoning Hearing Board finds that Applicants have presented sufficient evidence to show compliance with the requirements for Sections 160-23.C(11) of the Hilltown

Township Zoning Ordinance such that they are entitled to the requested special exception. Additionally, the Board finds that special exception would not be injurious to the health, safety, and welfare of the surrounding community.

DECISION AND ORDER

AND NOW, this 19th August day of _____, 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 Application, plans, and testimony presented at the hearing,

2. Applicants 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

By: DocuSigned by:
John Snyder
E9388DE729A647B...
John Snyder, Chairman

By: DocuSigned by:
David Hersh
6134AF2715B48A...
David Hersh

By: DocuSigned by:
Stephen Yates
65DB2380D09C404...
Stephen Yates

GRIM, BIEHN & THATCHER

By: DocuSigned by:
Kelly L Eberle
97A64A3B3DC94E6...
Kelly L. Eberle, Solicitor
104 South Sixth Street
Perkasie, PA 18944

Date of Mailing: August 22, 2022