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June 21, 2024

Carissa Manero  
1135 Fairhill Road  
Sellersville, PA 18960

**Re: Hilltown Township Zoning Hearing Board  
Carissa Manero; Appeal No. 2024-004**

Dear Ms. Manero:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated June 21, 2024 in the above captioned matter. The original of this Decision is being retained by the Township for its file.

Thank you for your attention to this matter.

Very truly yours,  
**Grim, Biehn & Thatcher**  
*Kelly L. Eberle*  
**KELLY L. EBERLE**

KLE/kbs  
Enclosure

cc: Hilltown Township Manager  
Mr. David Hersh  
Mr. Stephen Yates  
Mr. D. Brooke Rush  
Thomas and Sandra Morrisey

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

In Re: Carissa Manero

Appeal No. 2024-004

A hearing was held in the above matter on Thursday, May 9, 2024 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 David Hersh, Chairman and Stephen C. Yates. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance as was the Board stenographer. Applicant was present and testified on her own behalf. Thomas and Sandra Morrissey of 819 Route 113, Souderton, PA 18969 requested and were granted 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 April 18, 2024 to neighboring property owners from K. Eberle
- B-4 Entry of Appearance of Thomas and Sandra Morrissey

Applicants' Exhibits

- A-1 Application with all attachments and exhibits
- A-2 Letter of Authority from Director of Operations at Calvary Church

Party Status Exhibits

- M-1 Bucks Co. Board of Assessment Property printout

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

1. The applicant is Carissa Manero ("Applicant").
2. The subject property is located at 820 Route 113, Hilltown Township, Pennsylvania ("Property"), more specifically identified as Bucks County Tax Parcel No. 15-001-091.
3. The Property, which is located in the CR-2 Country Residential 2 Zoning District, is owned by Calvary Church and functions as a place of worship.
4. The existing improvements on the Property include a café, indoor jungle gym, twelve classrooms with in-room bathrooms, outdoor picnic area, and soccer field.
5. Each classroom can accommodate up to seventeen (17) children.
6. The classrooms are utilized by Calvary Church on Wednesday evenings and Sundays but are available during the weekdays.
7. Applicant is a former teacher in the Central Bucks School District and testified that she has met all necessary qualifications to be certified as a daycare director with the Commonwealth of Pennsylvania.
8. Applicant wishes to open a daycare, which would operate out of Calvary Church and utilize their existing facilities.

9. Calvary Church provided a letter granting permission for Applicant to bring this Application and to operate the daycare at the church.

10. The proposed day nurse would be available to the public for children between the ages of 1 and 4 years old.

11. The operating hours would be Monday through Friday from 8:00 a.m. – 5:00 p.m.

12. Applicant intends to start with 1 classroom.

13. Due to the age of the children, the ratio of teachers to children is 1:3. The number of employees Applicant needs will depend on the number of children enrolled.

14. Applicant does not anticipate an increase in the hours of current Calvary Church staff members as a result of the day nursery use.

15. Calvary Church has ample parking to support Applicant's proposed use, even if all 12 classrooms were utilized.

16. Thomas and Sandra Morrissey expressed concerns about the proposed daycare including the effect on traffic and whether the increased water use would have a negative impact on their well. Mr. and Mrs. Morrissey also expressed their belief that childcare should be done in the home.

17. Pursuant to §160-23.C(11) *Use type Regulations*, a day nurse is a permitted use in the CR-2 Zoning District, but by special exception only.

18. Accordingly, Applicant requests a special exception pursuant to §160-104.B & Table 160, Attachment 2 in order to use existing Sunday school classrooms as daycare classrooms to operate the day nurse.

II. DISCUSSION:

Applicant is before this Board requesting a special exception pursuant to §160-104.B & Table 160, Attachment 2 in order to operate a C-11 Day Nursery Use at Calvary Church and utilize its existing Sunday school classrooms for the daycare.

A day nursery is a permitted use in the CR-2 Zoning District pursuant to §160-23.C(11) *Use type Regulations* pursuant to the following 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; and
- e) Parking: at least one off-street parking space for each teacher, administrator and maintenance employee. Parking areas shall be adequately screen when abutting land zoned for or in residential sue in accordance with §160-33, Buffer yards, herein.

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.*

§160-104.B of the Hilltown Township Zoning Ordinance provides the following:

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 this chapter, as it may deem necessary to implement the purposes of this chapter.

Based on the above, the Zoning Hearing Board finds that Applicant has presented sufficient evidence to show compliance with the requirements of §160-23.C(11) of the Hilltown Township Zoning Ordinance such that she is entitled to the requested special exception. In rendering its decision, the Board is mindful of the requirement that a C-11 Day Nursery use be located in a building “designed for residential occupancy and for the safety and well-being of the occupants.” However, given the facts and circumstances of this case, specifically that the space Applicant seeks to utilize are classrooms with in-room bathrooms, that there are onsite activity spaces designed for children, and the building was designed for the safety and well-being of its occupants, the Board finds that a special exception is warranted. Additionally, the Board finds that the special exception would not be injurious to the health, safety, and welfare of the surrounding community.

**DECISION AND ORDER**

AND NOW, this 21st day of June, 2024 the Hilltown Township Zoning Hearing Board hereby:

1. Applicant shall obtain and maintain appropriate state licensure if required; and
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: David Hersh  
DocuSigned by: 6134AEF2715B48A  
 David Hersh, Chairman

By: Stephen Yates  
DocuSigned by: 65D8238DD09C404...  
 Stephen Yates

GRIM, BIEHN & THATCHER

By: Kelly L. Eberle  
DocuSigned by: 97A84A3B3DC94E6...  
 Kelly L. Eberle, Solicitor  
 104 South Sixth Street  
 Perkasio, PA 18944

Date of Mailing: June 21, 2024