

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Souderton Technical Associates

Appeal No. 2025-004

A hearing was held in the above matter on Wednesday, April 30, 2025, 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 D. Brooke Rush, Chairman, Stephen C. Yates, Vice Chairman, and Matthew Knox. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present and was represented by Sean Duffy, Esq. 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 April 11, 2025 to Neighboring Property Owners from K. Eberle

Applicant's Exhibits

A-1 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

1. The Applicant is Souderton Technical Associates (“Applicant”).
2. Applicant operates a commercial heat-treating facility, which hardens surfaces by heating them to high temperatures.
3. Applicant is the owner of the real property located at 1969 Clearview Road and 1983 Clearview Road, Hilltown Township and otherwise identified as Bucks County Tax Parcel Nos. 15-001-058-004 and 15-001-058-007, respectively.
4. The Property is located in the LI – Light Industrial Zoning District.
5. The Property is a corner lot with frontage on two rights-of-way and is subject to a utility easements with North Penn Water Authority.
6. The parcels are adjoining, and each parcel is improved with an industrial facility and related improvements.
7. Applicant wishes to consolidate the adjoining parcels and construct a building that would connect the two existing industrial buildings on each parcel.
8. This would allow for materials to be transported between the buildings, installation of two new bathroom units, and space for an additional chiller to cool the metals.
9. As part of the construction, Applicant will be doubling the size of the existing stormwater controls on the Property and will be introducing pollutant, rate, and volume controls.
10. In its Application, originally requested a variance from Hilltown Township Zoning Ordinance (“Zoning Ordinance”) §160 Attachment 3-Table of Performance Standards-Bulk and Area to permit an impervious surface ratio of 0.6254 as opposed to the maximum allowed 0.60.
11. However, at the hearing, Applicant requested to amend its application to allow a maximum impervious surface coverage of 0.65.

12. The requested amendment was not the result of additional or expanded improvements. Rather, Applicant's original impervious surface calculations were based on the Gross Site Area, which includes the easement areas and right of way areas. The requested amendment accounts for a scenario where impervious surface is calculated based on the Base Site Area of the Property, which excludes the easement areas and right of way areas.

II. DISCUSSION AND CONCLUSIONS OF LAW

Applicant requests a variance from Zoning Ordinance §160 Attachment 3-Table of Performance Standards-Bulk and Area to permit an impervious surface ratio of 0.65 as opposed to the maximum allowed of 0.60 in connection with the consolidation of two adjoining parcels and the construction of structure connecting the existing buildings.

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 the Applicant has shown the existence of a hardship, not self-created, and unique and peculiar to the Property that requires the grant of the variance from Zoning Ordinance §160 Attachment 3-Table of Performance Standards-Bulk and Area to permit an impervious surface ratio of 0.65 as opposed to the maximum allowed of 0.60. Additionally, the Board finds that the variance, with the conditions imposed in the Order, 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 16th day of June, 2025, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:


1. The construction shall be done in a manner consistent with the testimony and exhibits presented to the Board.
2. Applicant shall otherwise comply with all other Township, County, and/or State laws regarding construction and use.

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

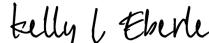
HILLTOWN TOWNSHIP ZONING HEARING BOARD

By: DocuSigned by:

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D. Brooke Rush, Chairman

By: DocuSigned by:

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Stephen C. Yates

By: Signed by:

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Matthew Knox

GRIM, BIEHN & THATCHER

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

Date of Mailing: June 16, 2025