

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

In Re: Claire G. and Donna R. Keller

Appeal No. 2025-003

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. Applicants were present and testified on their own behalf. Applicants' architect also testified on their 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 April 1, 2025 to Neighboring Property Owners from K. Eberle
- B-4 Letter dated April 29, 2025 from Township Solicitor

**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 Claire G. and Donna R. Keller (collectively, “Applicant”).
2. Applicant, as co-partners and trading as “Keller Investment Group” is the owner of the real property located at 3400 Bethlehem Pike, Hilltown Township and more specifically identified as Bucks County Tax Parcel No. 15-022-006 (“Property”).
3. The Property is located in the LI – Light Industrial Zoning District.
4. The Property is the site of Indian Valley Camping Center and is improved by various buildings, including a retail store, offices, and a service building together with related improvements.
5. Indian Valley Camping Center has been operating out of the Property since 1969 and sells and services recreational vehicles (“RVs”) ranging in size from 13 feet to 30 feet.
6. The outdoor space on the Property is used to display the RVs.
7. The Property contains slopes, which run through the entire Property, but which are most severe closest to Bethlehem Pike.
8. In connection with its 309 connector project and the installation of a traffic circle at the intersection of Bethlehem Pike and County Line Road, PennDOT has, or is, taking, via eminent domain, the portion of the Property containing the parts department, retail store, service bays, and operational offices.
9. As a result of the taking, Applicant wishes to construct a new Adirondak/camping-style building, which will house the retail store and service area with seven service bays on the first floor and administrative offices and the parts department on the second floor.

10. The proposed building was designed long and narrow in order to allow access to service bays from the rear of the building.

11. The new building, as proposed, will be 42.65 feet in height.

12. Accordingly, Applicant is before this Board requesting the following variances from the Hilltown Township Zoning Ordinance (the “Zoning Ordinance”): §160-28.B(1) to permit 48% of steep slopes between 8-15% be regraded rather than the maximum permitted disturbance of 40%; and §160-55 to permit the new building height of 42.65 feet rather than the maximum permitted height of 35 feet.

13. The prevalence of steep slopes across the entirety of the Property prevents Applicants from strictly complying with §160-28.B(1) of the Zoning Ordinance.

14. Furthermore, the steep slopes also impact the height of the proposed building.

15. The ridge of the building is consistent across the entire building, measuring approximately 33 feet 9 inches from the rear of the service bays to the ridge of the roof.

16. However, because of the slopes and elevation changes, the building height from the lowest point of the grading measures 42.65 feet. If the ground were level, no variance would be required.

17. The building height is the height necessary to accommodate the RVs within the service bays.

18. The Hilltown Township Board of Supervisors, through the Township Solicitor, wrote a letter indicating its support for this Application. *See B-4.*

## II. DISCUSSION AND CONCLUSIONS OF LAW

Applicant requests the following variances from the Zoning Ordinance in connection with the construction of a new building for its retail store, administrative offices, parts department, and service

bays: 1) from Zoning Ordinance §160-28.B(1) to permit 48% of steep slopes between 8-15% be regraded rather than the maximum permitted disturbance of 40%, and 2) from Zoning Ordinance §160-55 to permit the new building height of 42.65 feet rather than the maximum permitted height of 35 feet.

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 §160-28.B(1) to permit 48% of steep slopes between 8-15% be regraded rather than the maximum permitted disturbance of 40%, and from Zoning Ordinance §160-55 to permit the new building height of 42.65 feet rather than the maximum permitted height of 35 feet. 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 13th 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:  
Brooke Rush  
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D. Brooke Rush, Chairman

By: DocuSigned by:  
Stephen Yates  
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Stephen C. Yates

By: Signed by:  
Matthew Knox  
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Matthew Knox

### GRIM, BIEHN & THATCHER

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

Date of Mailing: June 16, 2025