

MARY C. EBERLE  
JOHN B. RICE  
DIANNE C. MAGEE \*  
DALE EDWARD CAYA  
DAVID P. CARO ♦  
DANIEL J. PACI ♦ †  
JONATHAN J. REISS ◊  
GREGORY E. GRIM †  
PETER NELSON \*  
PATRICK M. ARMSTRONG  
MATTHEW E. HOOVER  
KELLY L. EBERLE \*  
COLBY S. GRIM  
MICHAEL K. MARTIN  
JOEL STEINMAN  
MITCHELL H. BAYLARIAN  
WILLIAM D. OETINGER  
LINDSAY R. NORTON  
DAVID A. KEIGHTLY, JR.  
ERIK S. ALLGOOD  
MICHAEL A. TUOSTO \*◊  
ALEXIS NASH \*

LAW OFFICES  
**GRIM, BIEHN & THATCHER**

J. LAWRENCE GRIM, JR., OF COUNSEL  
JOHN FREDERIC GRIM, OF COUNSEL

104 S. SIXTH STREET  
P.O. BOX 215  
PERKASIE, PA. 18944-0215  
(215) 257-6811  
FAX (215) 257-5374  
  
(215) 536-1200  
FAX (215) 538-9588  
  
(215) 348-2199  
FAX (215) 348-2520

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Kelly L. Eberle  
e-mail: [keberle@grimlaw.com](mailto:keberle@grimlaw.com)

\* ALSO ADMITTED IN NEW JERSEY  
◊ ALSO ADMITTED IN NEW YORK  
† MASTERS IN TAXATION  
♦ ALSO A CERTIFIED PUBLIC ACCOUNTANT

June 11, 2026

J. Travis Martin  
123 Broad Street  
Perkasie, PA 18944

**Re: Hilltown Township Zoning Hearing Board  
J. Travis Martin; Appeal No. 2026-002**

Dear Mr. Martin:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated June 11, 2026 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**

KLE/ben

Encl.

cc: Hilltown Township Manager (w/encl.)  
Mr. Joseph Brady (w/encl.)

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

In Re: J. Travis Martin

Appeal No. 2026-002

A hearing was held in the above matter on Wednesday, May 6, 2026, 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 Stephen C. Yates, Chairman, D. Brooke Rush, and Matthew Knox. In addition, Kelly L. Eberle, the Board Solicitor, was in attendance, as was the Board stenographer. Applicant was present and was not represented by counsel. Joseph Brady of 135 Broad Street, Perkasio, PA 18944, requested, and was 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 7, 2026 to Neighboring Property Owners from K. Eberle
- B-4 Entry of Appearance of Joseph Brady

**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 J. Travis Martin (“Applicant”).
2. Applicant, along with Kristine Martin (collectively, the “Martins”), is the record owner of the real property located at 129 Broad Street, Hilltown Township, Pennsylvania, further identified as TMP 15-034-085-007 (“Property”).
3. The Martins also own the adjacent property located at 123 Broad Street, Hilltown Township, which they use as their primary residence.
4. The Property is located in the RR – Rural Residential Zoning District and is a 1.19-acre lot.
5. The Property is improved with an existing ranch house, attached garage, porch, and related improvements.
6. The dwelling is currently unoccupied.
7. The Property is served by on-site water and sewer.
8. The lot is rectangular in shape and meets the minimum lot size requirements for the RR-Rural Residential Zoning District.
9. Applicant is before this Board requesting variances from Hilltown Township Zoning Ordinance §§160-23.B(1)(a)[4] and §160-23.I(17).

**Variance from §160-23.B(1)(a)[4]**

10. Applicant first requests a variance from Zoning Ordinance §160-23.B(1)(a)[4] to permit the construction of a 32’ x 48’ pole barn building on the Property with a side yard setback of fifteen feet rather than the required twenty-five feet.

11. The pole barn would be located in line with the existing driveway and approximately fifteen feet off the side yard fence, which Applicant believes to be the property line.

12. The proposed pole barn would have a maximum height of twenty feet.

13. The proposed pole barn would be used for storage, cars, and hobbies.

14. Applicant chose the proposed location because he did not want the pole barn directly behind the existing dwelling, and he wanted to avoid the septic field.

15. Along with his application, Applicant submitted a hand drawn sketch depicting the existing structures, the general locations of the heat pump, well, and septic field, the proposed pole barn, and improvements to the rear yard including a fabric fenced area and rain garden.

16. Applicant's sketch does not include the specific location of the septic field or the distance between the proposed pole barn and the start of the septic field.

17. Applicant was unable to answer whether the pole barn could be moved any closer to the septic field, thereby reducing the encroachment into the side yard setback, without impeding upon it.

**Variance from 160-23.I(17)**

18. Next, Applicant seeks a variance from Zoning Ordinance §160-23.I(17) to permit Applicant to keep two female goats on a 1.19 acre lot where a three-acre lot is required.

19. §160-23.I(17) defines a residential agricultural use as one that “involves farming as an accessory use occurring on the same lot as a single-family dwelling and includes tilling of the soil and raising of livestock, horses, fur-bearing animals (animals raised for the sale of their fur) or poultry.”

20. §160-23.I(17) further provides as follows: “[t]he keeping or raising of livestock, horses, fur-bearing animals or poultry shall be limited to lots of at least three acres and shall be limited to two head of livestock or horses, or 50 fowl.”

21. Applicant wishes to keep two female miniature goats on the Property.

22. The goats would be kept in a 50’ x 50’ fabric-fenced area at the rear of the Property.

23. Neighboring property owners raised concerns about the use, size, and aesthetics of the proposed pole barn as well as the impact of the goats on the surrounding properties.

## **II. DISCUSSION AND CONCLUSIONS OF LAW**

Applicant is before this Board requesting a variance from Zoning Ordinance §160-23.B(1)(a)[4] to permit the construction of a detached accessory building with a side yard setback of 15 feet rather than the required 25 feet and a variance from Zoning Ordinance §160-23.I(17) to permit a residential agriculture use, specifically the keeping of two goats, on a 1.19 acre lot where a three-acre minimum lot size is required.

In a zoning variance matter, the party seeking a variance bears the burden of proving that unnecessary hardship will result if the variance is denied and that the proposed use will not be contrary to the public interest. *Valley View Civic Ass'n v. Zoning Board of Adjustment*, 462 A.2d 637 (Pa. 1983). The burden upon the applicant requesting a variance is a heavy one. *Williams v. Salem Township*, 500 A.2d 933 (Pa. Cmwlth. 1985), appeal denied, 531 A.2d 781 (Pa. 1987). 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: 1) the property has unique physical circumstances, peculiar to the property and not generally created by the Zoning Ordinance; 2) an unnecessary hardship exists due to the uniqueness of the property, which results

in an applicant's inability to develop the property or make any reasonable use of the property; 3) the applicant did not create the hardship; 4) the grant of a variance will not alter the character of the neighborhood or be a detriment to the public welfare; and 5) the variance is the minimum necessary to afford relief. 53 P.S. §10910.2(a). Variances are meant to avoid 'unnecessary' hardships not 'mere hardships.' *Larsen v. Zoning Bd. of Adjustment of City of Pittsburgh*, 672 A.2d 286 (Pa. 1996) (holding the need to provide additional space for one's family is not an unnecessary hardship).

The Board finds that Applicant has failed to meet his burden of proof necessary to afford him the relief requested from the Zoning Ordinance. First, Applicant failed to present any evidence that the Property has a unique physical circumstance peculiar to the Property. There is no evidence that the Property has any physical anomaly that would justify the grant of variances. Accordingly, Applicant has failed to meet the first element necessary to justify the grant of a variance.

Even if Applicant were able to demonstrate that there was a unique physical circumstance existing at the Property, Applicant cannot demonstrate that he suffered an "undue hardship" as a result of the unique, physical circumstance and that such hardship was not self-created. As stated in *Larsen, supra*, the Pennsylvania Supreme Court held that the desire to provide additional room for a family member does not constitute a "undue hardship." Accordingly, the Board finds that Applicant has failed to present evidence of an undue hardship.

Finally, Applicant cannot show that the requested variances are necessary to enable reasonable use or development of the Property. In order to satisfy this element, Applicant would need to show that without the requested variances, the Property would be rendered practically useless. *Abe Oil Co., v. Zoning Hearing Board of Richmond Twp.*, 649 A.2d 182, 185 (Pa. Cmwlth. 1994); *see also Polonsky v. Zoning Hearing Board of Mt. Lebanon*, 590 A.2d 1388, 1391 (Pa. Cmwlth. 1991) (holding

a property is not devoid of reasonable use merely because adherence to setbacks would make portions of yard less accessible).

Presently, the Property is improved with a single-family dwelling, garage, and porch. Applicant's inability to construct a pole barn in the size and location desired by Applicant and/or to raise two goats on the Property does not render the Property "practically useless." Because the Property can still be utilized a residential dwelling without the requested variances, Applicant has failed to meet this element necessary to warrant the grant of a variance.

Based on the above, the Board finds that Applicant has failed to meet his burden of proof necessary to warrant the grant of a variance, and his requests for a variance from §160-23.B(1)(a)(4) and a variance from §160-23.I(17) are denied.

**DECISION AND ORDER**

AND NOW, this 11th day of June, 2026, the Hilltown Township Zoning Hearing Board hereby denies the variances requested from Zoning Ordinance §§160-23.B(1)(a)(4) and 160-23.I(17) as Applicant has failed to meet the burden of proof necessary to grant the requested variances for the reasons set forth more fully herein.

**HILLTOWN TOWNSHIP ZONING HEARING BOARD**

By: DocuSigned by:  
*Stephen Yates*  
65082380D09C404...  
Stephen C. Yates, Chairman

By: DocuSigned by:  
*Brooke Rush*  
C0783C1BC10B4F1...  
D. Brooke Rush

By: Signed by:  
*Matthew Knox*  
A53A548FE7F94A9...  
Matthew Knox

**GRIM, BIEHN & THATCHER**

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

Date of Mailing: 6/11/2026