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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
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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:
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Date of Mailing: 6/11/2026

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JONATHAN J. REISS ◊
GREGORY E. GRIM †
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† MASTERS IN TAXATION
♦ ALSO A CERTIFIED PUBLIC ACCOUNTANT

May 21, 2026

Kaitlyn Pufnock
16 Loni Court
Hatfield, PA 19440

**Re: Hilltown Township Zoning Hearing Board
Kaitlyn T. Pufnock; Appeal No. 2026-004**

Dear Ms. Pufnock:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated May 20, 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.)

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Kaitlyn Pufnock

Appeal No. 2026-004

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 Scott Payne of Scott Payne Custom Pools testified on Applicant's behalf. No other 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 7, 2026 to Neighboring Property Owners from K. Eberle

Applicant's Exhibits

- A-1 Application with all attachments (including deed and plan)
- A-2 Packet of Letters from the Neighbors
- A-3 Color Renderings

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 Kaitlyn Pufnock (“Applicant”).
2. The subject property is the real property located at 16 Loni Court, Hilltown Township and more specifically identified as Bucks County Tax Parcel No. 15-022-202-016 (“Property”).
3. The Property is located in the RR-Rural Residential Zoning District.
4. The Property has a lot area of 56,888 square feet and is improved with a single-family dwelling and related improvements including an uncovered deck off the rear of the dwelling with a small impervious patio located underneath the deck.
5. The existing impervious surface coverage on the Property is 13.65%.
6. Applicant wishes to install an in-ground swimming pool and a shed in the rear yard.
7. As proposed, the pool itself consists of approximately 756 square feet while the decking, pool equipment, and coping totals approximately 1,205 square feet. The proposed shed is approximately 216 square feet.
8. The proposed improvements will result in a total impervious surface coverage of 17.51% on the Property.
9. The Hilltown Township Zoning Ordinance §160-26 Table of Performance Standards (Bulk and Area) allows a maximum impervious surface ratio of 15% for properties in the RR Zoning District.
10. Accordingly, Applicant requests a variance from Zoning Ordinance §160-26 to permit an impervious surface ratio of 17.51% rather than the maximum permitted 15% in connection

with the construction and installation of an in-ground swimming pool and a detached accessory building.

11. Scott Payne of Scott Payne Custom Pools, who is responsible for the design and installation of the proposed improvements, testified that without a variance and with only 600 square feet of available impervious surface remaining on the Property, Applicant would be limited in her ability to construction said any similar improvements.

II. DISCUSSION

Applicant requests a variance from Zoning Ordinance §160-26 to permit an impervious surface ratio of 17.51% rather than the maximum permitted 15% in connection with the construction and installation of an in-ground swimming pool, detached accessory building, and related improvements.

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 variance, 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 a variance from Zoning Ordinance §160-26 to permit an impervious surface ratio of 17.51%, rather than a maximum of 15% in connection with the construction and installation of an in-ground swimming pool with a detached accessory building, and other related improvements in the rear yard. 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 20th day of May, 2026, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The construction and installation of the in-ground swimming pool, detached accessory building, and related improvements shall be done in conformity with the exhibits and testimony presented before 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:
Stephen Yates
65D82380D09C404...
Stephen C. Yates, Chairman

By: DocuSigned by:
Brooke Rush
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D. Brooke Rush

By: Signed by:
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