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March 16, 2026

John Iannozzi, Esquire
Hamburg, Rubin, Mullin, Maxwell & Lupin, PC
1684 S. Broad St., Suite 230
P.O. Box 1479
Lansdale, PA 19446

**RE: Hilltown Township Zoning Hearing Board
Moriah Investments, LLC; Appeal No. 2025-011**

Dear Mr. Iannozzi:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated March 13, 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.)
Ms. Susan Lannan (w/encl.)

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Moriah Investments, LLC

Appeal No. 2025-011

A hearing was held in the above matter on Wednesday, January 28, 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 represented by John Iannozzi Esq., of Hamburg, Rubin, Mullin, Maxwell & Lupin. Susan Lannan of 1600 Keystone Drive 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 December 29, 2025 to Neighboring Property Owners from K. Eberle
- B-4 Entry of Appearance for Susan Lannan

Applicant's Exhibits

- A-1 Packet with tabs 1-6
 - A-1.1 – Ariel Photographs of the Property
 - A-1.2 – Zoning Exhibit Plan

A-1.3 – Photograph Depicting Street View of the Property

A-1.4 – Photograph of Proposed Chain Link Fence Type

A-1.5 – Zoning Hearing Board Application with Attachment

A-1.6 – Deed for Property

A-2 Copy of Study re: Deer Fencing

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 Moriah Investments, LLC (“Applicant”).
2. Applicant is the record owner of the subject property located at 1625 Keystone Drive, Hilltown Township, Pennsylvania and further identified as TMP 15-22-112-003 (the “Property”).
3. The Property is located in the RR – Rural Residential Zoning District.
4. Jim Kahn is a member and authorized agent of Moriah Investments, LLC.
5. The Property is improved with a single-family dwelling and related improvements.
6. The Property is a 4.32 acre flag lot with a 420-foot long pole/driveway.
7. The majority of the Property is heavily wooded.
8. Mr. Kahn testified that he and his wife experience significant issues with wildlife on the Property, specifically deer, but also foxes and coyotes.
9. In addition, Mr. Kahn testified that he and his wife have repeated and ongoing issues with hunters trespassing on the Property despite posting multiple signs.

10. Accordingly, Applicant wishes to install a 10-foot-tall, black chain link fence around the “flag” portion of the lot.

11. Applicant is before this Board requesting a variance from §160-54 of the Hilltown Township Zoning Ordinance (the “Zoning Ordinance”), which limits a fence to 4 feet in the front yard and 8 feet in the rear yard.

12. The improvements on the Property sit back approximately 500 feet from Keystone Drive.

13. The fence will be located a minimum of five feet from the property line and in some cases, much farther.

14. The fence will meander around the existing trees and will not go in the creek bed.

15. Because of the distance from the road and the densely wooded nature of the Property, the fence will not be visible from Keystone Drive.

16. The closest residence to the Property is located on the adjacent lot to the southwest Property (“Schrope Property”).

17. As a condition of relief, Applicant has agreed to install arborvitae along the southwest portion of the Property to provide screening between the Property and Schrope Property.

18. Mr. Schrope commented on the application and stated that he had no objection to the proposed relief.

19. Based on his research, Mr. Kahn believes that chain link fencing will be most effective at keeping animals off the Property and that ten feet is the minimum height necessary to deter deer.

20. Mr. Kahn believes the fence will improve the safety of the Property.

21. Ms. Lannan expressed concerns regarding the effectiveness of the fence and believed that it was not in keeping with the character of the neighborhood.

II. DISCUSSION

Applicant is before this Board requesting a variance from §160-54 of the Zoning Ordinance, which limits a fence to a maximum of four feet tall in the front yard and eight feet tall in the rear and side yards, in order to install a 10-foot-tall black chain link fence around the flag portion of the Property.

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 variances from

Zoning Ordinance §160-54 to permit a 10-foot-tall black chain link fence around the flag portion of the Property. 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 13 day of March, 2026, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The installation of the fence shall be done in a manner consistent with the testimony and exhibits presented to the Board.

2. The Applicant shall install a minimum of ten (10) green giant arborvitae, no less than five (5) feet in height, along the southwest portion of the Property adjacent to the Schrope property line, in a sufficient quantity and location to screen the proposed fence. Said arborvitae shall be planted on the outside of the fence and within the property boundaries of the subject Property.

3. The Applicant shall otherwise comply with all other Township, County, and 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.

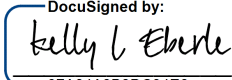
HILLTOWN TOWNSHIP ZONING HEARING BOARD

By: DocuSigned by:
Stephen Yates
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Stephen C. Yates, Chairman

By: DocuSigned by:
Brooke Rush
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D. Brooke Rush

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

GRIM, BIEHN & THATCHER

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

Date of Mailing: March 16, 2026