

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Brian Jackson-Prophete and Phyllis Jackson O'Connor

Appeal No. 2025-010

A hearing was originally scheduled in the above matter on Wednesday, January 28, 2026 at 7:00 p.m. at the Hilltown Township Municipal Building at which time the matter was opened and continued to March 4, 2026 at the request of the Township. Notice of the hearing was published in The Intelligencer advising that all parties in interest might appear and be heard. In addition, the subject 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. The Township was represented by Jack Wuerstle, Esquire, who presented the testimony of the Township's Zoning Officer, Caitlin Mest. Attorney Craig Sopin appeared on behalf of Applicant; Applicant was not present. 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 January 8, 2026 to Neighbors from K. Eberle
- B-4 Email communications dated January 27, 2028 regarding hearing continuance
- B-5 Application with all Attachments

Township's Exhibits

- T1 Curriculum Vitae of Caitlin Mest, Hilltown Zoning Officer
- T2 Zoning Enforcement Notice dated September 5, 2025

- T3 Copy of the Complaint filed with the Township July 2024 regarding the Property
- T4 Email correspondence from Bill and Shelby Deal dated September 17, 2025
- T5 Initial Zoning Permit application for temporary structure in 2022
- T6 Prior permit issued December 3, 2024, expiring December 3, 2026
- T7 Photos of current condition of the property showing trailer

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.

FINDINGS OF FACT

The Hilltown Township Zoning Hearing Board (the "Board"), having considered the sworn testimony and credibility of all witnesses and the documentary evidence received, and a quorum of members present, hereby makes the following Findings of Fact:

1. Applicants are Brian Jackson-Prophete and Phyllis Jackson O'Connor ("Applicants").
2. Applicants are before the Board as a result of their appeal filed December 29, 2025 of a zoning enforcement notice that was issued on September 5, 2025 ("Enforcement Notice") by the Hilltown Township Zoning Officer.
3. Applicants are the equitable owners of the subject property located at 140 Fairhill Road, Hilltown Township, Pennsylvania ("Property").
4. The Property is otherwise identified as Bucks County Tax Parcel No. 15-023-029-001 and is located in the RR - Rural Residential Zoning District in Hilltown Township.
5. The Property was improved by single-family dwelling in which Applicants resided until the dwelling was burned in a fire in 2020.

6. Applicants obtained a building permit thereafter to begin reconstruction of a new single-family dwelling on the Property.

7. During the reconstruction, Applicants intended to temporarily live in a trailer on the Property.

8. The trailer is not permanently affixed to the ground but is on a hitch with either wheels or blocks and is meant to be hauled.

9. Article VIII, §160-85.A of the Zoning Ordinance requires a permit “prior to the erection, construction, reconstruction, extension, moving, or alteration of the any building, structure, or portion thereof, and prior to the use or occupancy, or change in use of a building or land and prior to the change or extension of a nonconforming use.”

10. Applicants applied for, and were issued, a permit on June 3, 2022 for a temporary structure to allow the trailer (“2022 Permit”).

11. The 2022 Permit expired on September 3, 2022, but after its expiration, the trailer remained on the Property.

12. A complaint was filed on July 18, 2024, regarding the condition of the Property and the unpermitted trailer, which led to an inspection of the Property by Hilltown Township.

13. Thereafter, Applicants applied for, and were issued, a second permit on December 3, 2024, at permit number 240505, allowing for a 12’x42’ temporary housing/trailer on the Property (“2024 Permit”).

14. The 2024 Permit expired on September 1, 2025.

15. Applicants failed to remove the trailer upon expiration of the 2024 Permit, and to date Applicants have not filed for a permit to allow it to remain.

16. The Enforcement Notice was then issued by Hilltown Zoning Officer, Caitlin Mest, on September 5, 2025 after discovering the temporary trailer still remained on the Property.

17. Brian Jackson-Prophete received a copy of the Enforcement Notice in person at the Hilltown Township Building on September 16, 2025.

18. While Applicants currently have an open building permit, construction still remains in the early stages.

19. The Zoning Officer testified that upon visual inspection, construction has not progressed beyond the excavation stage.

20. As of the date of the Enforcement Notice, the Property and/or trailer do not appear to be resided in and/or occupied.

21. Applicants were not present at the hearing and therefore no testimony or exhibits were offered in support of their Appeal.

DISCUSSION:

The Applicants are before this Board on an appeal of the Enforcement Notice for an expired permit for a temporary trailer and request continued use of the trailer.

Section 616.1(d) of the Municipalities Planning Code, 53 P.S. §10616.1(d) provides that in an appeal from enforcement notices issued by the Township, the Township has the responsibility of presenting its evidence first. Once the Township has presented evidence to establish each violation, the applicant is required to rebut the allegations with substantial evidence in order to succeed on its appeal. *Hartner v. Zoning Hearing Board of Upper St. Clair Township*, 840 A.2d 1068 (Pa. Cmwlth. 2004); *Mulch-It, Inc. v. Zoning Hearing Board of Springfield Township*, 2010 W.L. 9516525.

As Applicants did not attend the hearing and no other witnesses testified on their behalf, Applicants submitted no evidence to rebut the Enforcement Notice. There is no evidence to rebut that the trailer requires a permit, that the 2024 Permit expired, that no subsequent permit has been issued, and that the trailer remains on the Property. Accordingly, the Board finds that the Applicants have failed to present any evidence to overturn the Enforcement Notice and that the Applicants are in violation Article VIII, §160-85.A of the Zoning Ordinance by maintaining a trailer on the Property after the expiration of the temporary permit of such.

CONCLUSION

Based on the above, the Board finds that Applicants have violated Article VIII, Section 160-85.A of the Zoning Ordinance. Accordingly, Applicant's appeal is denied, and the Enforcement Notice is upheld.

DECISION AND ORDER

AND NOW, this 20th day of April, 2026 the Hilltown Township Zoning Hearing Board hereby denies Applicants' Appeal from the September 5, 2025 Zoning Enforcement Notice. The September 5, 2025 Zoning Enforcement Notice is upheld.

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
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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: April 20, 2026