

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 12, 2026

Scott C. Holbert, Esquire  
Flager Law, PC  
1210 Northbrook Drive, Suite 280  
Trevose, PA 19053

**Re: Hilltown Township Zoning Hearing Board  
Alfred H. Holbert and Jody Sue Lysek Holbert; Appeal No. 2026-003**

Dear Mr. Holbert:

Please find enclosed herewith a copy of the Decision of the Hilltown Township Zoning Hearing Board dated June 12, 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: Alfred Holbert and Jody Sue Lysek Holbert

Appeal No. 2026-003

A hearing was held in the above matter on Wednesday, May 11, 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. Applicants were present and represented by Scott Holbert Esq., of Flager Law, PC. 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 14, 2026 to Neighboring Property Owners from K. Eberle

**Applicants' Exhibits**

- A-1 Zoning Hearing Board Application
- A-2 Zoning Permit Denial Letter dated March 17, 2026
- A-3 Site Plan Prepared by M-Designed dated February 14, 2026
- A-4 Hilltown Township Zoning Ordinance Table 160 Attachment 3
- A-5 Photograph Packet

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. Applicants are Alfred Holbert and Jody Sue Lysek Holbert (“Applicants”).
2. The subject property is the real property located at 930 Diamond Street, Hilltown Township and more specifically identified as Bucks County Tax Parcel No. 15-014-018 (the “Property”).
3. The Property is located in the CR-2-Country Residential 2 Zoning District.
4. The Property is an existing non-conforming lot with a total gross site area of approximately 20,473.2 square feet (base site area of approximately 16,473.2 square feet) rather than the minimum required 50,000 square feet and building line width of 104 feet rather than the required minimum of 125 feet.
5. The Property is improved with a single-family dwelling and related improvements including an existing pool and converted garage.
6. The existing dwelling is a split-level house, with half the house being a single-story and the remaining portion with the converted garage being 2 stories.
7. The existing impervious surface coverage on the Property is 18.20%.
8. Applicants seek to construct an 800-square foot, two-story addition adjacent to the existing converted garage.
9. The proposed addition will have a 400 square foot footprint and will add two bedrooms on the second floor and one bedroom and one bathroom on the ground floor.

10. An existing room located on the ground floor will be renovated and converted into a second kitchen.

11. The proposed addition will allow Applicants' son, daughter in-law, and three children to move into the residence with Applicants. Applicants would occupy the ground floor of the addition along with the new second kitchen, and their son's family will occupy the second floor of the addition.

12. Applicants testified that the proposed addition would only be used for family and guests and further indicated that they would agree to condition preventing the addition from being rented.

13. In connection with the proposed construction, Applicants request variances from §160-23.B(1) and §160-26 Table of Performance Standards (Bulk and Area) of the Hilltown Township Zoning Ordinance as more specifically described below.

**A. Variance from §160-23.B(1)**

14. §160-23.B(1) of the Zoning Ordinance requires a minimum side yard setback of 20 feet in the CR-2 Zoning District.

15. Presently, the single-story portion of the dwelling has a side yard setback of 20 feet, and the converted garage is set back approximately 30 feet, 2.5 inches from the opposite side yard.

16. Applicants will maintain the 20-foot side yard setback on the north/northwestern side of the Property but seek a variance to allow a side yard setback of 15 feet 7 inches on the south/southeastern side of the Property.

17. Because of the configuration of the existing dwelling and the nature of the proposed addition, Applicants are limited in where the addition can be constructed.

18. Moreover, the existing, non-conforming lot width of the Property creates a hardship with regard to compliance with current side yard setback requirements.

19. Accordingly, Applicants request a variance from §160-23.B(1) to allow a side yard setback of 15 feet 7 inches rather than the required 20 feet.

**B. Variance from §160-26 Table of Performance Standards (Bulk and Area)**

20. Section §160-26 – Table of Performance Standards (Bulk and Area) of the Zoning Ordinance limits the maximum impervious surface ratio to 15% in the CR-2 Zoning District.

21. Due to the undersized nature of the Property, the existing impervious surface coverage already exceeds that which is permitted under the Zoning Ordinance.

22. Without a variance, Applicants would not be able to make any further improvements to the Property.

23. In their application, Applicants requested a variance to allow an impervious surface ratio of 20.20% rather than 15%.

24. However, the initial calculations set forth in the application were based on the incorrect base site area.

25. Accordingly, at the hearing, Applicants made a motion to amend their application to request a maximum impervious surface coverage of 24.73%.

26. The Board accepted Applicants' amendment.

27. Accordingly, Applicants request a variance from Section §160-26 – Table of Performance Standards (Bulk and Area) to allow a maximum impervious surface coverage of 24.73% in connection with the proposed addition.

## II. DISCUSSION

Applicants are before this Board requesting the following variances from the Hilltown Township Zoning Ordinance in connection with the construction of an addition onto the existing residential dwelling: 1) from §160-23.B(1) to permit a side yard setback of 15 feet 7 inches rather than the required 20 feet; and 2) §160-26 Table of Performance Standards (Bulk and Area) to permit an impervious surface ratio of 24.73% rather than the maximum permitted 15%.

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 Applicants have shown the existence of a hardship, not self-created, and unique and peculiar to the Property that permit the grant of a variance from Zoning Ordinance §160-23.B(1) to permit a side yard setback of 15 feet 7 inches and from Zoning Ordinance §160-26 Table of Performance Standards (Bulk and Area) to permit an impervious surface

ratio of 24.73%. Additionally, the Board finds that the variances, 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 Applicants the opportunity to reasonably use the Property.

**DECISION AND ORDER**

AND NOW, this 12th day of June, 2026, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The construction of proposed addition shall be done in conformity with the plan and evidence presented before the Board.

2. Occupancy shall comply with §160-23.I(2)(b)[2] of the Zoning Ordinance, which limits occupancy to the following relatives of the family occupying the main portion of the dwelling: children (issue and stepchildren), parents (natural parents, stepparents, and in-laws) brothers, sisters, or their children, grandparents, uncles, aunts, or children of uncles or aunts.

3. 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: Stephen Yates  
Stephen C. Yates, Chairman

By: Brooke Rush  
D. Brooke Rush

By: Matthew Knox  
Matthew Knox

GRIM, BIEHN & THATCHER

By: Kelly L Eberle  
Kelly L. Eberle, Solicitor  
104 S. 6th St., Perkasie, PA 18944

Date of Mailing: June 12, 2026

