Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

HILLTOWN TOWNSHIP ZONING HEARING BOARD

In Re: Walter Dale Hockman and Bonnie Joan Hockman

Appeal No. 2026-006

A hearing was held in the above matter on Wednesday, July 8, 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 J. Oliver Gingrich Esq., of Landis, Hunsberger, Gingrich & Weik, LLP. Ben Barland, P.E. with Holmes Cunningham Engineering was accepted by the Board as an expert in civil engineering and testified on Applicants' 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 June 8, 2026 to Neighboring Property Owners from K. Eberle

Applicants' Exhibits

A-1 Application with all attachments (including deed and plan)

A-2 Benjamin Barland CV

Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

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 Walter Dale Hockman and Bonnie Joan Hockman ("Applicants").

2. Applicants are the owners of a 62-acre family farm located in the RR-Rural Residential Zoning District (the "Farm").

3. The Farm was previously owned by Walter Dale Hockman's parents from 1963 until Applicants acquired it in 2009.

4. The Farm has agricultural buildings located on West Creamery Road and fields fronting on both West Creamery and Telegraph Roads.

5. Each of the five parcels is assigned its own unique tax parcel number.

6. Despite having separate tax parcel numbers, the parcels were enrolled in Act 319 preferential taxation under a single Act 319 application in the 1980s.

7. The application before the Board affects only one of the five parcels, which is identified as Tax Parcel # 15-028-116 (the "Parcel").

8. The Parcel represents an approximately 6-acre field across Telegraph Road.

9. It is not contiguous to the rest of the Farm.

10. Applicants wish to convey real property to their daughter and son in-law so that they could construct a single-family dwelling.

Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

11. However, Applicants have been advised by the Board of Assessment that conveying any more than 3 acres would breach the covenant for all 5 parcels and result in a significant amount of rollback taxes.

12. Therefore, Applicants propose a minor subdivision of the Parcel into two separate lots: a 2.865 acre flag lot ("Lot 2") and a 3.004 acre lot ("Lot 1").

13. As proposed, Lot 1 will be utilized for the single-family dwelling by Applicants' daughter and son in-law, and Lot 2 will continue to be used for agricultural purposes by the Applicants.

14. Lot 2, as proposed, will have a 25-foot flag at the street line.

15. The proposed subdivision plan is designed to maximize preserved farmland while accommodating stormwater management and complies with all applicable requirements except for requested relief.

16. In connection with proposed use, Applicants request three variances related to proposed Lot 2.

17. Though no deed restriction is currently proposed, Applicants testified that they would like to preserve and dedicate the remaining portion of Lot 2.

A. Variance from §160-51.C(1)

18. Hilltown Township Zoning Ordinance §160-51.C(1) requires flag lots to be a minimum of 10 acres for properties located in the Rural Residential Zoning District.

19. Applicants request a variance from §160-51.C(1) to permit a flag lot with a net area of 2.865 acres flag rather than the required minimum of 10 acres.

B. Variance from §160-51.C(3)

Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

20. Section §160-51.C of the Zoning Ordinance requires a minimum of 50 feet at the street line for flag lots.

21. Applicants request a variance to allow 25-foot lot width at the street line rather than the required 50 feet.

22. The 25-foot width allows Lot 1 to have the required lot width for a single-family residential use.

23. It also provides Lot 1 additional space for stormwater management facilities to be placed away from the dwelling and sanitary connection.

24. Applicants testified that 25 feet is sufficient to allow the farm equipment to access Lot 2.

C. Variance from §160-51.D

25. Section §160-51.D of the Zoning Ordinance requires all lots have a minimum frontage of 50 feet.

26. Applicants request a variance to allow 25 feet street frontage rather than the required 50 feet.

II. DISCUSSION

Applicants are before this Board requesting the following variances from Hilltown Township Zoning Ordinances in connection Lot 2 shown on the proposed minor subdivision: 1) from Zoning Ordinance §160-51.C(1) to permit a flag lot with a net area of 2.865 acres flag; 2) from Zoning Ordinance §160-51.C(3) to permit a 25 feet lot width at the street line; and 3) from Zoning Ordinance §160-51.D to permit 25 feet street frontage.

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

Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

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 Parcel that requires the grant of the following variances for Lot 2 as shown on the proposed minor subdivision: 1) Zoning Ordinance §160-51.C(1)) to permit a flag lot with a net area of 2.865 acres flag rather than the required minimum of 10 acres; 2) from Zoning Ordinance §160-51.C(3) to permit a 25-foot lot width at the street line rather than the required 50 feet; and 3) from Zoning Ordinance §160-51.D to allow for a 25-foot street frontage rather than the required 50 feet. 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 Parcel.

Docusign Envelope ID: BFCE1AC1-F815-8AB8-80F8-0B7F646EE57A

DECISION AND ORDER

AND NOW, this 24th day of August, 2026, the Hilltown Township Zoning Hearing Board hereby grants the zoning relief requested conditioned as follows:

1. The proposed subdivision shall be done in a manner consistent with the testimony and exhibits 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 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: 8/25/2026