

**ZONING HEARING BOARD OF WRIGHTSTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

Docket No.: 2025-05

Applicant: Bridget Hilbig
980 Mill Creek Road
Wyncombe, PA 18980

Owner: Same.

**Subject
Property:** Tax Parcel No. 53-002-007, which is located at the address of the
Applicants set forth above.

**Requested
Relief:** Applicant seeks to place an eight foot (8 ft) "deer fence" around the
perimeter of the 200 foot by 200 foot (200 x 200) flower/crop area, on
the 5.38 acre site. §27-803.H H-3.1.a of the Newtown Area Joint
Municipal Zoning Ordinance ("Ordinance") permits a maximum fence
height of seven (7) feet, and no greater than four (4) feet within the
front yard. Applicant seeks a variance for the height and location of
the proposed fence.

**Hearing
History:** The application was filed in Wrightstown Township on August 13,
2025. The hearing was held on October 8, 2025 at the Wrightstown
Township Building, 2203 Second Street Pike, Wrightstown, PA 18940.

Appearances: Applicant, *Pro Se*

Mailing Date: November 24, 2025

DECISION

FINDINGS OF FACT:

1. The Zoning Hearing Board of Wrightstown Township met the requirements of the Zoning Ordinance, the Municipalities Planning Code, and other relevant statutes as to legal notice of the hearing held.

2. The Applicant is the Owner of the Subject Property and therefore possessed of the requisite standing to make application to this Board.

3. The Subject Property is located in the CM, Conservation Management Zoning District of Wrightstown Township.

4. The property, as described on the deed attached to the application is comprised of three (3) tax parcels identified as two separate "premises". Premises A is described as 1.32 acres of land containing Tax Parcels Nos. 53-002-001 and 53-002-007. Premises B is described as Tax Parcel No. 53-002-001-001, without reference to the amount of acreage.

5. Applicant described the entire property as just shy of 19 acres. An annotated aerial photograph, attached hereto and incorporated by reference as "Exhibit A", was submitted with the application and documents the "parcel" located at Mill Creek Road, Wycombe, PA, as Parcel No. 53-002-001 (11.9 acres) and 53-002-007 (5.38 acres).

6. The Subject Property is large and of unusual shape.

7. The Subject Property is bisected by railroad tracks.

8. The portion of the Subject Property at issue with regard to Applicant's request for relief is a portion between Mill Creek Road and the railroad tracks. The area is represented as a field.

9. Across the railroad tracks, moving further from Mill Creek Road, is Applicant's dwelling and other structures. Accordingly, the production field, with frontage along the street line, represents a "front yard".

10. Applicant seeks to protect a cut flower production field from grazing deer on site.

11. More specifically, Applicant seeks to place an eight foot (8 ft) "deer fence" around the perimeter of the 200 foot by 200 foot (200 x 200) flower/crop area, on the 5.38 acre site. §27-803.H H-3.1.a of the Newtown Area Joint Municipal Zoning Ordinance permits a maximum fence height of seven (7) feet, and no greater than four (4) feet within

the front yard. Applicant seeks a variance for the proposed eight (8) foot fence wholly within the front yard.

12. Applicant believes that a fence less than 8 feet will not be deer resistant.
13. Applicant seeks to minimize losses to the crop production.
14. While the fence in question is 8 feet in height, the fencing is steel mesh attached to 4' x 4' posts with cross members.
15. The Ordinance reads as follows:

§ 803 Use Regulations.

H.3 Residential Accessory Structure. Such use shall include a residential accessory structure or use, including but not limited to:

1. Structures such as fences and freestanding walls, which shall meet the following requirements:
[Amended effective 11/18/2013 by JMZO Ord. 2013-05, adopted 11/13/2013.]
 - a. The maximum height shall be four feet in the front yard and seven feet elsewhere, except that for "post and rail" or "post and board" fences, a maximum fence height in the front yard of five feet shall be permitted, provided that the fence has a minimum of 50% open area.
 - b. Any fence over six feet in height shall have effective apertures representing no less than 25% of the surface area if the surface area is in one plane, and no less than 40% of the surface area if surfaces are staggered.
 - c. Any fence in the side yard which is over six feet high must be landscaped on the side toward the street unless it is parallel to or on the side lot line.
 - d. On a reverse frontage lot, any backyard fence over six feet in height shall be landscaped on the side toward the street.
 - e. If a lot fronts on two or more streets, the height limitations defined in Subsection 803.H-3.1.a above shall apply along all of the streets.
 - f. There shall be no fences located in drainage easements or drainage swales which are part of an approved stormwater management plan.
 - g. Fences and walls shall be kept in good repair.

- h. Where a fence is installed on a man-made berm, the height of the berm shall be included when calculating maximum fence height.
- i. Materials and Construction.
 - (1) For fences that require posts or framework for support, the posts or framework must face the interior of the lot.
 - (2) Fences with only one finished side shall be installed such that the finished side faces the exterior of the property.
 - (3) Where cooperating property owners with a common property line are both installing fences of the same height and of the same length, the finished side may face the interior of the property and/or the posts or framework may face the exterior of the property.

16. Applicant indicated that other than the height and location, Applicant would be complying the Ordinance.

17. The “front yard” is not in any way similar to a suburban residential front yard. The yard is instead a large farm field between the road and railroad tracks.

18. No one spoke in opposition to the application.

19. Wrightstown Township reviewed the application during a public meeting of the Board of Supervisors and authorized the Township Solicitor to send correspondence to the Zoning Hearing Board indicating that the Board of Supervisors have “no objection” to the application.

CONCLUSIONS OF LAW:

1. The Subject Property has been developed and used consistent with the requirements of the Ordinance.

2. The Applicant has presented evidence of sufficient factors to warrant the grant of the dimensional variance requested under the relaxed variance standard applicable to dimensional variance cases, as articulated by the Pennsylvania Supreme Court, in *Hertzberg v. Zoning Board of Adjustment of the City of Pittsburgh*, 554 Pa. 249, 721 A.2d. 43 (1998).

3. The competent evidence presented leads the Board to conclude that, if the variance relief is granted, there will be no negative impacts upon surrounding properties or uses.

4. The evidence establishes that the relief sought by the Applicant is the minimum variance necessary.

5. The variance sought will not alter the essential character of the neighborhood or district in which the Subject Property is located.

6. Accordingly, the Wrightstown Township Zoning Hearing Board determined, unanimously, to GRANT the Applicant's request for relief, as is set forth hereafter.

ORDER

Upon consideration, and after hearing, the Zoning Hearing Board of Wrightstown Township hereby GRANTS the requested variance from §27-803.H H-3.1.a of the Newtown Area Joint Municipal Zoning Ordinance to allow Applicant to place an eight foot (8 ft) “deer fence” around the perimeter of the 200 foot by 200 foot (200 x 200) flower/crop area, on the 5.38 acre site, consistent with the aerial photograph (annotated) attached hereto, where the maximum permitted is a fence height of seven (7) feet, and no greater than four (4) feet within the front yard, subject to obtaining all appropriate permits required by Wrightstown Township.

Thomas E. Panzer, Solicitor
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Zoning Hearing Board
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ZONING HEARING BOARD OF WRIGHTSTOWN TOWNSHIP

/s/ Steve Marcell
Steve Marcell

/s/ Allen Masenheimer
Allen Masenheimer

Proposed Deer Fence: 980 Mill Creek Rd. Wycombe PA 18980



Figure 1. Map of the parcel outlined in blue at 980 Mill Creek Rd. Wycombe PA 18980. This is parcel 53-002-001 (11.9 Ac) and 53-002-007 (5.38 Ac). The proposed 8' deer fence would be placed around the purple polygon (area 0.9Ac; perimeter 800ft.)

RECEIVED

AUG 13 2025

WRIGHTSTOWN TOWNSHIP

EXHIBIT A-1