

**MINUTES
BOARD OF ZONING APPEALS
CASE A-224**

Mrs. Vickie Watts, Chair of the Board, called the hearing to order at 7:00 p.m. The following Board Members were present: Mrs. Vickie Watts, Mrs. Diane Barrett and Ms. Tracy McCoy. Board Member Michael Joseck was absent. Staff members present were: Tammi Ledley, Zoning Administrator and Lorena Vaccare, Assistant Zoning Administrator. Michelle Ostrander, Town Attorney, was also present.

Guests present: Michelle Long, Kevin Atticks, Holly Oertel, Council Member Marlene Duff, Ashley Cassell, Kelly Shaffer, Matt Cassell, Jesse Johnson, James Garman, Angela Garman, Todd McGrew, John Rund, Jr., Michael Ralph, Zach Tomlin, Kate Smith, Brian Smith, Pete Garey, Leah Rogers, Steve Rogers, Megan Micriotti, Council Member Jim Roark and Mayor Chris Nevin.

CASE A-224

On April 16, 2019, the Board of Zoning Appeals heard testimony and received evidence concerning the appeal Case A-224, a request by Pipe the Side Brewing Company, LLC for a Conditional Use to operate a micro-brewery at 721 Hanover Pike in a General Business zoning district.

The Board heard a statement by the Zoning Administrator regarding the current usage of the subject property and the available parking. The statement conveyed the zoning classification of the property as General Business and that per the Town Code a Conditional Use for a micro-brewery may be granted by the Board, such use having been added to Town Code via Ordinance 528 in June 2018. The statement also conveyed that Carroll County Department of Planning did not have any objections to or comments regarding the case.

The Appellant was represented by Kelly Shaffer of Shaffer and Shaffer LLP. Mrs. Shaffer gave a brief presentation regarding the proposed use of the property as a micro-brewery, adding that this was the first step of many in the process of opening this business. She then called the Appellants Tim Eckels and Carol Gorsuch, owners of Pipe the Side Brewing Company, LLC to testify. Mrs. Shaffer asked the Appellants to confirm the location of their proposed micro-brewery; they stated it would be located in suites 145 and 147 of the Roberts Field Shopping Center at 721 Hanover Pike. Mrs. Shaffer then entered Exhibit 1, a depiction of the location of said suites in the Shopping Center. Mrs. Shaffer asked the Appellants if they were intending to utilize the available parking in the Shopping Center to which they replied they would. She then asked if they considered the parking adequate for their use; they stated that they did indeed consider it adequate. Mrs. Shaffer then asked if all activities associated with the use of the space would be indoors. Mr. Eckels and Ms. Gorsuch replied that yes, they would, and added that under the terms of the lease with the Shopping Center owner there would be no outdoor activities allowed. Mrs. Shaffer then entered Exhibit 2, a depiction of the proposed layout of the floor plan which showed various seating positions, etc. Mr. Eckels explained that suite 145 would be used for the taproom and suite 147 for the actual brewing. Mrs. Shaffer then asked for the Appellants' confirmation of their awareness of the additional steps in opening this business such as obtaining a liquor license, etc. Mr. Eckels and Ms. Gorsuch confirmed that they were aware of the various requirements. Mrs. Shaffer then asked them if they had any experience in brewing beer. Mr.

Eckels provided a summary of their history, stating they began home-brewing two years ago and had some life experiences which made them realize that if they wanted to make this idea of a local brewery happen they should do it soon. Mrs. Shaffer then asked what hours of operation they were considering for their business. Mr. Eckels replied that they would be open on Thursdays from 4:00 p.m. to 9:00 p.m., on Fridays from 4:00 p.m. to 10:00 p.m., Saturdays from 12:00 p.m. to 10:00 p.m. and Sundays from 12:00 p.m. to 6:00 p.m., and then possibly in the future on Tuesdays and Wednesdays from 4:00 p.m. to 9:00 p.m. Mrs. Shaffer asked if those hours would predominantly be the taproom hours, with additional hours required for brewing; Mr. Eckels confirmed that the times stated would be for the taproom and that additional off-hours would be used for brewing. Mrs. Shaffer asked if the Appellants would be working other jobs and if this was the reason for the limited hours and the possible future expansion on hours. Mr. Eckels stated yes, that he has been in financial management for almost thirty years and that the plan is to retire from his current job once the micro-brewery is successful enough, which he hopes to have happen in two years. Mrs. Shaffer asked how many employees the Appellants proposed to have; Mr. Eckels replied that they hope to have three employees the first year and perhaps two more in the second year, one of which would be a taproom / events manager, and then in the third year to add to their part-time staff to service the taproom and "beer tend" and then eventually hire a brewing assistant. Mrs. Shaffer asked what types of events they anticipate having at the taproom. Ms. Gorsuch replied that they hope to have community-outreach events, non-profit, informational events such as canning classes, nature educational events, book clubs, possibly board games, and other low-key events. Mrs. Shaffer asked about music; the Appellants replied that they may have an acoustic guitar player or such, but nothing loud. Mrs. Shaffer asked the Appellants if they were aware that if they obtain a Class D liquor license in Maryland they would then only be permitted to serve beer and wine. Mr. Eckels stated that they were indeed aware of this and that they did not wish to serve hard liquor as they feel that it would bring a different element into a taproom that they do not want. Mrs. Shaffer then asked what type of training the Appellants would provide to their employees for serving alcohol; Mr. Eckels replied that they would pay for their employees to attend TIPS and/or RAMS training which provides training on responsible alcohol service such as how to prevent underage drinking, how to not over-serve, etc. and that they themselves are attending this training within the next two weeks. Mrs. Shaffer asked the Appellants if they intended to offer any food service as part of this business, to which Mr. Eckels replied that they were not. He added that other taprooms which do not offer food service actually improve the business for other restaurants within the area and encourage new restaurants to open. Mrs. Shaffer noted that one such new restaurant, Michael's Steak and Lobster, would be opening in an adjacent suite within the Roberts Field Shopping Center. Mrs. Shaffer asked if there would be any odor that would come from the brewing operation; Ms. Gorsuch replied that there is a smell of baking bread due to the yeast component of brewing. The Appellants confirmed that there would not be any dust or smoke or fumes. Mrs. Shaffer asked if there would be any vibration, noise or glare that anyone in the area would be able to see or feel; the Appellants replied that there would not be. Mrs. Shaffer then asked if the Appellants had an idea of the amount of their initial production. Mr. Eckels replied that they would be at approximately 600 barrels of beer a year which would equate to brewing seven to eight times a month. Mrs. Shaffer asked how much of this would be for on-site distribution; Mr. Eckels replied that the bulk of it, about 80%, would be for on-site taproom sales, with the remainder being distributed locally for events and local business. Mrs. Shaffer asked what type of traffic would be entailed with deliveries. Mr. Eckels replied that there would be standard, non-tractor trailer deliveries and Ms. Gorsuch stated that the deliveries could be scheduled so as to not interfere with school bus traffic, for example. Mr. Eckels added that if they can find local suppliers then they would drive themselves to said supplier to pick up materials. Mrs. Shaffer requested clarification on the delivery door in the rear of the shopping

center; the Appellants confirmed that there would be a sliding metal door in that location for acceptance of deliveries. Mrs. Shaffer asked if the Appellants foresee typical customer traffic. Mr. Eckels replied yes. Mrs. Shaffer asked the total square footage of the space, to which Mr. Eckels replied about 4,431 square feet. Mrs. Shaffer then asked the Appellants if they believed the site was an appropriate space for the use and Mr. Eckels replied that they think it is a great space, that the parking is ideal. Mrs. Shaffer asked if the Appellants foresee any adverse effects on the site or surrounding properties as a result of their proposed use. Mr. Eckels stated they do not. Mrs. Shaffer requested clarification that there is no new development being proposed, that the use is all contained within the existing shopping center. Mr. Eckels confirmed that this is correct. Mrs. Shaffer then asked the Appellants if there was anything else they wished to share with the Board. Mr. Eckels stated that they have received a lot of positive feedback from the community, and that they have been coming to Mrs. Ledley and Mrs. Vaccare and coming to the Town meetings for over a year in order to stay in tune with the Main Street Revitalization and other things going on in Town. Mr. Eckels concluded by saying they hope to obtain approval so that they can call Hampstead home for their business.

Mrs. Shaffer asked the Board if there were any questions for the Appellants.

Mrs. Watts asked what the anticipated occupancy level would be, to which Mr. Eckels replied that would not know the exact limit until the Use and Occupancy Permit was issued at the end of the interior construction phase but that the layout has about 122-125 seats. He added that the Use and Occupancy would be higher than that based on the number of exits in the suites.

Ms. McCoy requested clarification that the six foot steel door was located in the back; Mr. Eckels confirmed said location.

Ms. McCoy asked if there would be any outdoor seating in the front. Mr. Eckels answered that there would not be, that the lease prohibits any outdoor seating.

Ms. McCoy asked if there were going to be any pool tables; Mr. Eckels stated that there probably would not be, but rather there would be board games and such and that they have even seen similar places offer a knitting station and coloring station, and that there will be things like this for people to occupy their time.

Ms. McCoy requested clarification on running this business versus working their current jobs and the timeline for each. The Appellants clarified that they intend to leave their current jobs when they hit their targets for the new business so that they can make the new business their full time jobs.

Ms. McCoy asked if there would be any bar snacks served. Ms. Gorsuch answered that they would not but would provide menus of local restaurants that may have some delivery and carry-out options or perhaps even have a "bring your own food" setup. She added that there is a venue in Street, Maryland that holds a music night when patrons bring in crock pots of food and stated that they would not be opposed to such an option.

There were no further questions for the Appellants.

Mrs. Shaffer then called Brian Smith, a resident of 980 Sugar Maple Street. Mr. Smith testified that as a neighboring resident, he does not have any concerns or foresee any adverse effect on the area as a result of this business and is fully in support of it. Mrs. Shaffer asked Mr. Smith how

he knows the Appellants; he replied that he has been friends with them for a year. Mrs. Shaffer asked Mr. Smith if he feels the Appellants are responsible business people, to which he replied he did. Mr. Smith further commented that their beer is very good, and that this business will help create a destination for the Town.

There were no questions for Mr. Smith.

Mrs. Shaffer then called Kevin Atticks, Executive Director of the Brewers Association of Maryland, to testify. Mr. Atticks gave a brief description of the Association, and then of small breweries and craft beers and the appeal of such, as well as the positive impact small breweries are having on towns.

Discussion then ensued on age limits for those entering the taproom, and restrictions for such. Mrs. Shaffer stated that the Carroll County Liquor Licensing Board has restrictions for this that are above and beyond those of the State's which would of course have to be followed in order to procure a license. Mr. Eckels stated that it would not benefit their business to have unattended underage guests, that their expectation is that anyone underage is accompanied by an adult.

Ms. McCoy requested clarification on Class D liquor licenses versus other licenses. Mrs. Shaffer provided information on the parameters for Class D licenses.

There were no additional questions for Mr. Atticks.

There were no Protestants.

Mrs. Ledley read into the public record a letter received from Woodhaven Building & Development, an adjoining property owner, which stated "as an adjoiner, Woodhaven Building & Development hereby requests to go on record in support of the above referenced conditional use request for a micro-brewery and associated taproom in the Roberts Field Shopping Center."

Mrs. Ledley and Mrs. Vaccare stated that numerous comments were made on the Town's Facebook page in support of the micro-brewery.

There were no other public comments.

No rebuttals were required.

Mrs. Shaffer offered a closing statement summarizing that the business will foster the orderly growth of the community, that it is within the business zone of the Town and will provide a desired amenity for the Town, adding that the traffic facilities and conditions of the site are ideal and that the previously approved site plan for the Shopping Center does not require any further planning process for this type of use. She stated that there have not been any negative comments about the effect of this use on the surrounding community or properties or the values of the surrounding properties. She reiterated that there is no noise or odor, other than that of baking bread. She stated that this is a unique industry wherein local breweries support each other, and concluded by stating that the standards for meeting the conditional use have been met and far exceeded, asking the Board to approve the request and thanking them for their questions and deliberation.

Mrs. Watts made **a motion to close the deliberation in order to obtain legal counsel from the Town Attorney.** Ms. McCoy seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

The Board removed to an interior conference room for legal counsel from the Town Attorney.

Upon returning, Mrs. Watts made **a motion to reopen the deliberation.** Mrs. Barrett seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

Ms. McCoy made **a motion to approve the Conditional Use to operate a micro-brewery in a General Business zoning district at 721 Hanover Pike.** Mrs. Barrett seconded the motion. The motion passed with three votes for, no votes against and no abstentions.

The hearing was adjourned without motion.

Submitted by:

Approved by:

Lorena Vaccare
Assistant Zoning Administrator

Vickie Watts
Chair