

RE: Application of Back Porch : ZONING HEARING BOARD OF
Brewing, Inc., : THE BOROUGH OF CARLISLE
Applicant :
Request for Special Exceptions : CASE NO. 2020-04
: **Date of Decision: June 4, 2020**

DECISION OF ZONING HEARING BOARD

I. Procedural and Factual Background

Back Porch Brewing, Inc. (the “Applicant”), has applied for special exceptions pursuant to §255-8.B. (Uses not specifically regulated) and §255-62.F. (Tavern) of the Carlisle Zoning Ordinances (the Ordinance”), to allow the establishment of a restaurant, microbrewery, and related accessory uses (the “Application”). The Applicant is the proposed lessee of a property located in the Borough’s C-1 Central Business District, with an address of 152 N. Hanover Street, Carlisle, Pennsylvania (the “Property”). A microbrewery is not a use specifically regulated in any zoning district in the Borough and is therefore decided as a special exception in accordance with §255-8.B.

A public hearing on the Application was held on June 4, 2020, in the Carlisle Borough Hall.¹ The Zoning Hearing Board (the “Board” or the “ZHB”) was represented by Kurt E. Williams, Esq. of Salzmann Hughes, PC and the Applicant was represented *pro se*. The hearing was stenographically recorded. The hearing was advertised in the *Sentinel* newspaper on May 20

¹ The public hearing having taken place during the pendency of the COVID-19 pandemic, and in conformity with Pennsylvania Department of Health requirements to limit gatherings of more than twenty-five (25) people, the hearing was also broadcast via Zoom in accordance with 35 Pa.C.S.A. §5741(f).

and 27, 2020.² Alternate Board Member Britt Erney-Muniz participated in the hearing, but not the decision. Aside from the Application submitted, the Applicant offered no other exhibits into the record.

Tim Wickard, the Applicant's President, having been sworn, presented testimony on behalf of the Applicant as follows:

1. The improvements on the Property date back to the 1700's and was historically used as a tavern.
2. The Property's main use will be to manufacture craft beer
3. The building is approximately 1,400 SF. The front portion will be the main area where guess will be. ADA restrooms will be added.
4. The Property's neighbors are the American Legion and the Carlisle antique mall.
5. Hours of operation are regulated by the Pennsylvania Liquor Control Board ("PLCB"), requiring a closing time of no later than 11pm each night.
6. All Carlisle Borough ordinance and codes will be complied with as the building is renovated and freshened up.
7. The neighborhood is mostly mixed use and the Applicant believes that the proposed use will fit right into what is currently existing in downtown Carlisle.
8. The Applicant testified that 100% of its staff will be trained in the PLCB's Responsible Alcohol Management Program ("RAMP").
9. Most brewing will continue to be conducted at the Applicant's location on Longs Gap Road.
10. The Applicant's PLCB license number is G43274.

² In accordance with 35 Pa.C.S.A. §5741(e), notice of proposed action on Application 2020-04 was posted on the Carlisle Borough public website on or about May 26, 2020.

At the conclusion of the Applicant's testimony, Chairman Champion opened the hearing for public comment. There was none, either in person or received online.

II. Order and Decision of the Board

Based upon the Application as submitted and the testimony provided, the Board makes the above findings of fact and issues the following Order and Decision as set forth below.

It is hereby ordered and decided as follows:

- A. In accordance with Ordinance §255-62.F., the Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception for a Tavern.
- B. In accordance with Ordinance §255-8.B., the Board finds that the Applicant has met its burden of establishing those criteria necessary for the grant of a special exception for a microbrewery and related accessory uses as uses not specifically regulated.
- C. The representations made by the Applicant in the Application, the supporting documentation, and the testimony at the public hearing shall be considered conditions of the variance granted. Changes from said representations, documentation and testimony, other than minor technical changes, or failure to comply with the conditions of the variance approval, shall be considered a violation of the variance, and may result in revocation of the variance approval if not brought into full compliance within sixty (60) days of written notice of non-compliance from the Borough
- D. The Board hereby decides by unanimous vote to grant the Application as presented.

In addition to the above, the Applicant shall comply with all applicable federal, state, local and Borough laws, ordinances and regulations.

Borough of Carlisle Zoning Hearing Board

By: 
Vincent Champion, Chair

MAILING DATE: June 24, 2020

Any person aggrieved by this decision of the Zoning Hearing Board may appeal to the Court of Common Pleas of Cumberland County. The appeal must be taken within thirty (30) days of the date of this Decision.