

RE: Application of Back Porch	:	ZONING HEARING BOARD OF
Brewing, Inc.,	:	THE BOROUGH OF CARLISLE
Applicant	:	
	:	CASE NO. 2021-01
	:	
Request for Special Exceptions	:	<b>Date of Decision: February 4, 2021</b>

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 133 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 February 4, 2021, in the Carlisle Borough Hall. The Zoning Hearing Board (the “Board” or the “ZHB”) was represented by Kurt E. Williams, Esq. of Salzman Hughes, PC and the Applicant was represented *pro se*. The hearing was stenographically recorded. Zoning Officer Michael Skelly, AICP testified that the public hearing was advertised in the *Sentinel* newspaper on January 20 and 27, 2021. The Property was posted on January 13, 2021, and neighboring property owners were notified of the Application on January 7, 2021. Alternate Board Member Britt Erney-Muniz participated in the hearing, but not

the decision. Aside from the Application submitted (Exhibit A-1), 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 Applicant intends to lease the first floor of the Property from the owner.
2. The Property's first floor main use will be to serve food and beverages and manufacture and serve craft beer in accordance with the Applicant's Pennsylvania liquor license.
3. There is a licensed distillery immediately adjacent to the Property.
4. Hours of operation are regulated by the Pennsylvania Liquor Control Board ("PLCB"), requiring a closing time of no later than 11pm each night.
5. All Carlisle Borough ordinance and codes will be complied with as the building is renovated and freshened up.
6. 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.
7. The Applicant testified that 100% of its staff will be trained in the PLCB's Responsible Alcohol Management Program ("RAMP").
8. The Applicant's PLCB license number is G43274, which will need to be transferred to the Property in accordance with PLCB requirements. The Applicant intends to primarily use a seven (7) barrel batch system.
9. Maximum occupancy will be approximately 135 people.

At the conclusion of the Applicant's testimony, Chairman Champion opened the hearing for public comment. There was none.

Without objection from the Applicant, the Board accepted the Staff Report from Zoning Officer Michael Skelly, AICP as Exhibit B-1.

## **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. and 255-197.D., 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. and 255-197.D., 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: 2/17/21, 2021  
*no*

**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.**