

Tax Map/Block/Parcel
No. 32-3-198
Case 5578

OFFICIAL DECISION
BOARD OF ZONING APPEALS
CARROLL COUNTY, MARYLAND

APPLICANT: Henry Ruhlman
2280 Harvey Gummel Road
Hampstead, Maryland 21074

ATTORNEY: N/A

REQUEST: An application for a conditional use for a brewery in a proposed 28 ft. x 40 ft. building and variances from the required 600 ft. setback to 325 ft. on the north side, 425 ft. on the south side and 575 ft. from the front.

LOCATION: The site is located at 2300 Harvey Gummel Road, Hampstead, on property zoned "A" Agricultural District in Election District 6.

BASIS: Code of Public Local Laws and Ordinances, Section 223-71 A (11) and 223-16.

HEARING HELD: January 25, 2011

FINDINGS AND CONCLUSION

On January 25, 2011, the Board of Zoning Appeals (the Board) convened to hear the request for a conditional use for a brewery in a proposed 28 ft. x 40 ft. building and variances from the required 600 ft. setback to 325 ft. on the north side, 425 ft. on the south side and 575 ft. from the front. Based on the testimony and evidence presented, the Board made the following findings and conclusion:

The Applicant wishes to open a microbrewery on this farm property which belongs to his family. He will construct a new building (28' x 40') with 12 foot high ceilings to house the brewery. The beer will be brewed in the building, and all associated equipment will be stored there. It will take several years for the brewery to reach its capacity of producing up to 2500 barrels per year. Deliveries of supplies and materials will be made twice a month. Shipments of the beer will leave the brewery twice a week in a box truck.

The new building will be screened from the neighbors with trees and by the topography of the land. No noise or smoke will be generated by the brewery. Odors will be minimal.

The Applicant hopes to sell his beer to restaurants and stores. In addition, he will be open for retail sales on limited days. Twenty customer trips per day are anticipated. This will be a family run operation which will enable the land to remain in the family. The land is improved with a farmhouse which will not be used for the brewery. In addition, there is an existing garage serving the house, which may be used for the storage of brewery supplies and materials. The brewery will be unmanned most of the day.

The 36 acre farm parcel has an odd, narrow, square shape and it is 1200 feet at its widest point. In addition, there is a lattice telecommunications tower on the farm, with a 'fall zone' which prohibits structures in the protected area. Due to these factors, there is nowhere on the farm where the brewery building could be located absent a variance.

The Board found the brewery to be akin to a winery or food processing plant, which are conditional uses in the zone, see Section 223-71. The brewery will not generate any noise, gases, dust or fumes. Traffic from employees and customers will be negligible and can easily be accommodated by the road system. The property is large and the neighborhood is sparsely populated, so neighbors will not be adversely impacted by this use. The small brewery will not generate any adverse effects greater here than elsewhere in the zone. Accordingly, the conditional use was granted.

In addition, due to the narrow shape of the lot and the tower fall zone on the property, there is no location on the farm where a variance would not be necessary for this use. A strict application of its setback provisions would therefore result in unnecessary hardship. The homes closest to the brewery belong to the Applicant's family. Accordingly, the requested variances were granted.

14 February 2011
Date


Gary Dunkleberger, Chairman

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Decisions of the Board of Zoning Appeals may be appealed to the Circuit Court for Carroll County within 30 days of the date of the decision pursuant to Article 66B, Section 4.08 of the Annotated Code of Maryland Rules of Procedure.

Pursuant to Section 223-192C of the County Code, this approval will become void unless a concept site plan has been submitted to and accepted for review by the Bureau of Development Review within 6 months from the date of this decision. This approval may become void if the applicant fails to take action to secure approval of the site plan in a timely manner as determined by the Bureau of Development Review. For more information on the site plan process, please contact the Bureau of Development Review at (410) 386-2143.